**Maat for Peace’ submission on “legal empowerment by UN Special Rapporteur on the independence of judges and lawyers”**

**Introduction:**

The right to access justice is a fundamental human right that ensures that all individuals have access to effective remedies to address their legal grievances. However, many people face barriers to accessing justice, particularly those marginalized, excluded, or harmed within legal systems. Legal empowerment of these people is a tool for addressing these barriers. It is an approach that seeks to achieve access to justice by enabling marginalized individuals and communities to understand and exercise their legal rights.

Paralegals, who provide legal aid and support to people who cannot access justice because they cannot afford formal legal services or other barriers to accessing justice, play a role in the legal empowerment movement and in expanding access to justice. They act as a bridge between the formal justice system and the communities they represent, work closely with these communities to understand their legal needs, seek to educate and provide information to these communities about their legal rights, assist them in preparing legal documents, and represent them in court and all other legal proceedings. In addition to the role that legal empowerment based on paralegals plays in achieving access to justice for marginalized communities, other approaches can expand access to justice in marginalized and remote communities, including community dispute resolution mechanisms, such as mediation or arbitration. These are alternative ways to resolve disputes outside the formal courts and mobile legal clinics that provide legal aid and support to individuals and communities in remote or disadvantaged areas.

In light of the above, **Maat for Peace, Development and Human Rights** presents its interventions on legal empowerment and other people-centered methods to expand access to justice to the Special Rapporteur on the independence of judges and lawyers by providing extensive answers on some of the main issues and questions attached to the invitation as follows :

Definitions and Types of Legal Empowerment Approaches and Practices:

There are many definitions of legal empowerment, but Maat adopts the definition that legal empowerment is to enhance the ability of all people to exercise their rights, whether as individuals or as members of society, or that it is the process through which the poor and marginalized are empowered to use the law to promote their rights and interests, and to secure justice and accountability for themselves and their communities[[1]](#footnote-1).

Maat believes that legal empowerment approaches and practices can take different forms, depending on the context and the community needs; here are some examples:

* Legal education for the community: Legal education initiatives provide education and training to individuals and communities on their legal rights and how to access legal services, including workshops, informational sessions, and other forms of legal education tailored to the specific needs of the community.
* Legal Aid Services: Legal aid can be provided by paralegals, who are a group of professionals, other than lawyers, who are trained to provide legal aid and support to individuals and communities. Paralegals play a role in expanding access to justice where few or no lawyers and legal services are not otherwise accessible
* Community dispute resolution mechanisms: mediation or arbitration are alternative ways of resolving disputes outside the formal courts. Alternative dispute resolution solutions can be less expensive and more efficient than going to court; they can also be more flexible and responsive to the needs of the parties involved.
* Mobile legal aid clinics: Mobile legal clinics are mobile buses that provide legal aid and support to individuals and communities in remote or disadvantaged areas. These clinics can provide a range of legal services, including legal advice[[2]](#footnote-2).

**Examples of forms of legal empowerment at the community, local, national, and international levels**

Legal empowerment takes many forms at the national and international levels, and the following are the most prominent examples of legal empowerment that Maat worked on at the national level and those that Maat monitored at the international level:

**At the National Level:**

Maat has worked continuously for vulnerable and marginalized groups, including immigrants and refugees' legal empowerment. Maat implemented many educational programs and initiatives to educate individuals and communities about their legal rights and how to access legal services. For example, since March 2022, in a joint program with the International Organization for Migration, Maat has implemented more than ten workshops in Cairo Governorate on "Educating immigrants about Egyptian laws." The program dealt with the following topics:

* Raising awareness of the principles of human rights and their relationship to the situation of immigrants.
* The role of the International Organization for Migration in supporting immigrants in Egypt through the International Organization for Migration programs.
* Discuss the challenges facing immigrants and how to address them.
* Spreading awareness of the immigrants' rights in Egyptian laws, focusing on the right of residency, citizenship, education, work, and social security.

Through this program, Maat was able to educate about 350 refugees and immigrants residing in Egypt from countries (Sudan, South Sudan, Yemen, Eritrea, Syria, Kenya, Uganda, Somalia, Chad, Nigeria, and Central Africa) about their legal rights in Egyptian law, and how to Access to legal services, ultimately enabling them to use the law to advance their rights and interests and secure justice and accountability for themselves and their communities.

Other forms of legal empowerment are common in the Arab Republic of Egypt, including community dispute settlement mechanisms that are widespread in rural and desert areas. They are alternative ways to resolve disputes outside the official courts, as individuals in these areas resort to them in belief that these mechanisms are less expensive and more efficient than going to the official courts and are more flexible and responsive to their needs. These mechanisms known as customary councils consist of individuals known for their integrity, wisdom, and justice. They are called customary judges. They decide on disputes that come to them with the same procedures followed by official courts, except that their rulings are often limited to fining the guilty with sums of money.

**At the international level:**

Maat monitored other forms of legal empowerment at the international level, the most important of which is the mobile legal clinics, which is a mobile bus that includes a group of volunteer lawyers and law students that provides legal assistance and support to individuals in remote or disadvantaged areas, including legal advice.

In the United States of America, for example, a mobile legal clinic made up of more than 240 volunteer lawyers and law students has provided legal aid over the past nine years to more than 2,945 people in the Milwaukee area, Wisconsin[[3]](#footnote-3). In Gambia, a mobile legal clinic launched jointly by the Gambian Bar Association and the United Nations Development Program (UNDP) in October 2019 provides free legal aid services to the public who cannot afford it across the country[[4]](#footnote-4).

Promising practices for partnerships between attorneys, paralegals, and other grassroots justice advocates

The partnership between attorneys, paralegals, and other justice advocates at the grassroots level is critical to improving and enhancing access to justice. Through this partnership, lawyers and paralegals can provide more effective legal services and can also work together to address the root causes of legal problems.

At the national level, Maat has monitored many promising practices of a partnership between lawyers, paralegals, and other popular justice advocates; civil society organizations, including Maat, employ lawyers and paralegals to provide legal aid to individuals whose rights have been violated. Paralegals in Egyptian civil society organizations work closely with lawyers to identify cases that require legal intervention by lawyers to defend victims of violations of legal and economic rights and represent them in judicial proceedings

Over the past years, both paralegals and lawyers working in Egyptian civil society have succeeded in issuing court rulings in favor of some vulnerable and marginalized persons who are victims of violations, especially those whose rights to work in just and satisfactory conditions have been violated by employers and commercial companies. On March 1, 2023, for example, legal assistants and lawyers working in civil society succeeded in obtaining a ruling issued by the South Giza Court of First Instance in favor of 5 employees of the “Expand Solution” company, compensating them an amount of 237 thousand pounds for their unfair dismissal from work[[5]](#footnote-5). He also obtained a ruling from the New Cairo Court of First Instance, in the session of January 31, 2023, in favor of Mr. “KH-A-M” against the Future Vanguard Language School, compensating him with an amount of 132 thousand pounds for his arbitrary dismissal from work in Case No. 603 of 2020[[6]](#footnote-6)**.**

Shortcomings in existing judicial and legal systems that illustrate the value of the legal empowerment approach

Maat believes judicial and legal systems have many shortcomings and defects that impede individuals' and societies' access to justice. So adopting various legal empowerment approaches is extremely important in achieving access to justice and addressing social grievances. The following are the most prominent shortcomings or defects in the legal and judicial systems around the world that limit access to justice:

Systemic Discrimination; Many legal systems perpetuate systemic discrimination, particularly against marginalized communities such as women, ethnic and religious minorities, and persons with disabilities, which results in unequal access to justice and undermines the rule of law.

Exclusionary: Legal systems can be exclusionary, particularly for individuals and communities who cannot afford legal representation or lack the resources to deal with complex legal procedures preventing these individuals and communities from accessing their legal rights and seeking redress for legal problems.

Harm to individuals within legal systems; the legal and judicial systems themselves can harm individuals and communities seeking judicial redress, particularly in cases where vulnerable individuals and communities have experienced human rights violations, torture, and other forms of abuse while seeking redress within legal systems.

Limited access to formal justice systems; For many people living in remote, rural, or desert areas, justice systems may not be accessible, as legal resources may be limited or nonexistent.

As a result of the shortcomings and imperfections of legal and judicial systems, various legal empowerment approaches, including community-based dispute resolution mechanisms, are invaluable in expanding access to justice for vulnerable and marginalized individuals and communities and in addressing social grievances, as they provide a valuable alternative to legal systems; formal justice systems that may be exclusionary, discriminatory, or harmful to vulnerable communities.

Challenges faced by those seeking to promote or implement a legal empowerment approach

Maat believes some challenges hinder the work of individuals and organizations working to implement the legal empowerment approach. The most important of these challenges can be as follows:

Lack of funding; Legal empowerment programs require sufficient funding for their implementation, and securing the necessary funding to implement legal empowerment programs represents a challenge for organizations and institutions that implement these programs, given that these organizations depend mainly on grants and donations in implementing legal empowerment programs, which often may be limited or subject to changing priorities.

Limited resources and capacities; Legal empowerment programs often operate with limited resources and capacities, which may limit their ability to reach large numbers of people or provide high-quality legal services.

Resistance of formal institutions; Legal empowerment approaches may face formal institutions' resistance, which may impose restrictions on various legal empowerment approaches, including community dispute resolution mechanisms, which create political and legal barriers to legal empowerment programs implementation.

Restrictions on Civil Society Activities; Restrictions on civil society activities and threats to legal advocates and activists in many countries impede the implementation of legal empowerment programs.

1. Legal empowerment, Public Legal Education, link: <https://bit.ly/40gbDFF> [↑](#footnote-ref-1)
2. Joseph D. Kearney, The Mobile Legal Clinic Speeds Forward, Marquette University, October 10, 2022, link: <https://bit.ly/3ZWIP5m> [↑](#footnote-ref-2)
3. Joseph D. Kearney, The Mobile Legal Clinic Speeds Forward, Marquette University, October 10, 2022, link: <https://bit.ly/3ZWIP5m> [↑](#footnote-ref-3)
4. GBA, UNDP Mobile Legal Aid Clinic Held, Oct 25, 2019, link: <https://bit.ly/3Lvrgox> [↑](#footnote-ref-4)
5. المركز المصري يحصل على حكم بتعويض 5 عاملين بشركة “إكسباند سوليوشن” بمبلغ 237 ألف جنيه جراء فصلهم تعسفيا، المركز المصري للحقوق الاقتصادية والاجتماعية، 1 مارس 2023، الرابط: <https://bit.ly/3lrYv1e> [↑](#footnote-ref-5)
6. المركز المصري يحصل على حكم بتعويض عامل بمبلغ 132 ألف جنيه عن فصله تعسفيا من مدرسة طلائع المستقبل، المركز المصري للحقوق الاقتصادية والاجتماعية، 16 مارس 2023، الرابط: <https://bit.ly/3FydX2R> [↑](#footnote-ref-6)