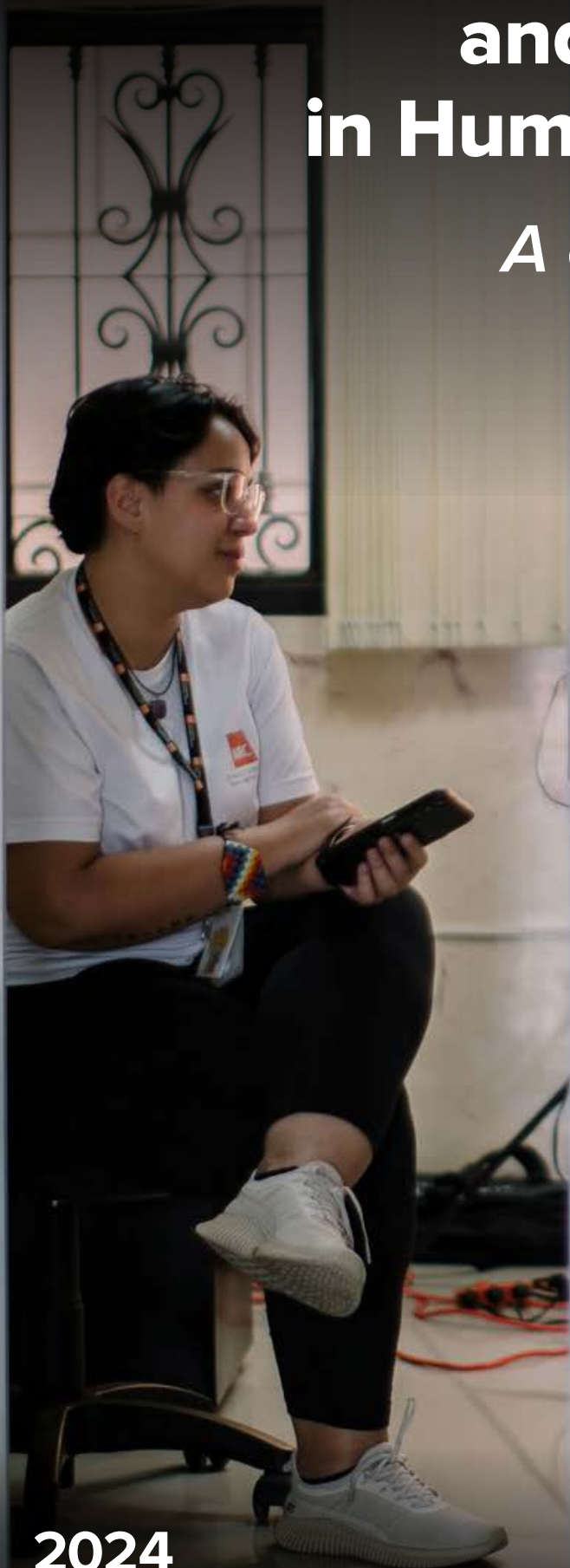


Strengthening Legal Aid and Access to Justice in Humanitarian Settings:

*A compilation of learning
on relevant strategies
and effective practices*



Cover:

Legal counselling with a woman who has been forcibly displaced by armed group violence in Colombia
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Global Protection Cluster

The Global Protection Cluster (GPC) is a network of non-governmental organizations (NGOs), international organizations and United Nations (UN) agencies, engaged in protection work in humanitarian crises including armed conflict and disasters. The GPC is mandated by the Inter-Agency Standing Committee (IASC) and led by the United Nations High Commissioner for Refugees (UNHCR).

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Executive Summary and Recommendations



This report is the result of a consultation with humanitarian, development, human rights and peace actors working on legal aid and access to justice in the framework of the Global Protection Cluster Task Team on Law and Policy (GPC TTLP) Legal aid in humanitarian settings Project. It consolidates the collective learning resulting from the exchange of reflections, views, perspectives and experiences among the many legal aid and access to justice experts and practitioners working in a variety of crisis settings that actively participated in the webinars and throughout the project implementation. Through their voices, the report aims to enrich global learning and promote relevant action in this crucial sphere of humanitarian, development and peace response.

To provide evidence-based recommendations for practitioners in the field, the study starts by compiling **common challenges** as well as key learning and good practices in the areas of coordination, partnership and access to hard-to-reach population. Challenges in each of these three areas are contextualized and their impact on the rights of crisis affected population explored. The study underscores the complexities and obstacles inherent in delivering such services, particularly in countries affected by conflict, displacement, and with fragile governance structures. A series of effective **legal aid and access to justice practices and initiatives** identified by field colleagues within each area were selected for having demonstrated positive impact on those affected by crises, including displaced populations, by providing valuable evidence of transformative and essential access to justice and legal aid strategies in challenging contexts.

The reports concludes that access to justice and legal aid interventions should form the cornerstone of humanitarian, development and peace interventions and should be at the centre of all protection efforts. These interventions enable crisis-affected populations, including displaced individuals and victims of human rights violations, to be recognized before the law, to assert and restore their rights and ultimately to pursue the durable solution of their choice and to participate - as empowered agents of change - to peace, sustainable development of their families, communities and societies.

In order to conceptualise and craft relevant and transformative legal aid and access to justice strategies and interventions the study suggests **concrete recommendations** organized around four key elements considered as building blocks/key ingredients of any sound legal aid and access to justice strategy:

- **Why and what for?** *Define a coherent theory of change responding to legal aid / legal protection needs while contributing to address root causes of crisis, leading to unimpeded access to rights and justice.* Inspired by joint and solid analysis of root causes of justice problems and needs, programmes and initiatives should have outcome-focused theory of changes, with a longer-term vision coordinated, where relevant and feasible, with national and local justice actors. It is crucial to think and envision legal aid and access to justice more strategically, through a better understanding of the broader access to justice landscape and through an enhanced need for collaboration and coordination across the humanitarian – development - peace nexus.
- **What?** *Position legal aid and access to justice at the core of humanitarian, development and peace response, contributing to sustainable objectives.* A legal aid and access to justice strategy should be embedded within the broader protection response to effectively identify, support, and reduce protection risks and human rights violations. Field colleagues emphasised that effectively identifying and addressing protection risks was linked to grounding robust strategies in a comprehensive understanding of the legal and access to justice landscape and needs that result from human rights violations. To enhance the effectiveness of interventions, it is critical for humanitarian, development, peace, and human rights actors to integrate legal aid dimensions into their sectoral priorities. This integration serves a dual purpose: firstly, ensuring that sectoral interventions (such as shelter, livelihood initiatives) align with the legal and policy framework of the crisis-affected country or territory (as part of good programming), and secondly, addressing justice issues faced by affected populations otherwise not reached by the protection intervention. Legal aid and access to justice are cross-cutting enablers of other SDGs and have a pivotal role in upholding the rule of law. Therefore, it is essential to ensure that legal aid interventions are conceptualised within the broader sphere of justice action.
- **Who we work for and with?** *Define target groups as justice seekers and agents of change ensuring people-centered and inclusive programming.* It is imperative to adopt human-rights based approaches, to take into account legal aid and justice needs of the whole population (crisis affected and host communities) and understand the specific legal aid and access to justice needs of crisis affected population. Individuals and communities affected by crisis and displacement should contribute to the design and implementation of legal aid and access to justice strategies and interventions as main agents of positive change.
- **How?** *Choose the most adequate and innovative ways of designing and implementing through a genuinely localized approach and use innovative ways of programming.*

- ✔ **Strategic coordination for meaningful and sustainable justice strategies:**
Legal aid initiatives often face fragmentation due to the involvement of multiple actors and fora working in isolation. Creating thematic coordination platforms and ad hoc working groups within existing Protection clusters can help to improve collaboration among legal aid actors. National coordination platforms should be reinforced to ensure local actors are engaged and lead these efforts. Cross-border crises require cross-country approach to legal aid, as displaced populations often encounter legal challenges that span multiple countries.
- ✔ **A genuinely localized approach through effective partnership:**
Partnerships with specialized grassroots organizations, including those that work within customary and informal justice systems, are crucial. These collaborations ensure the legal needs of marginalized populations are addressed effectively. Strengthening the capacity of local legal aid and justice actors through training and coordination can improve the sustainability of legal aid services. Recognizing, understanding and strengthening CIJ can help depoliticizing access to justice programming and contribute to address intersectional inequalities associated with race, gender, nationality, and social and economic status, which may have been underlying drivers of the crisis. These partnerships should focus on knowledge exchange and coordinated advocacy to strengthen justice systems at all levels. This approach fosters ownership, builds trust, and ensures that interventions are tailored to the needs of the most vulnerable groups.
- ✔ **The use of technology and data for innovative and targeted interventions:**
Digital solutions may allow information to reach those in need more quickly, involve less paperwork and tend to be less time-consuming for both justice seekers and justice providers. Digital tools and platforms may also support duty bearers' accountability and transparency.
Data collection, analysis and use should also be prioritized to ensure relevance of the intervention, monitor its effectiveness, measure its impact and adjust strategies as needed.
- ✔ **Addressing the legal aid needs of hard-to-reach populations:**
It is key to prioritise flexible and context-specific approaches to overcome the unique challenges faced in crisis-affected and pluralistic environments and where relevant, strengthen customary and informal justice mechanisms and actors and ensure their synergies with formal and statutory systems. Community paralegals play a critical role in bridging the gap between formal justice systems and vulnerable populations, offering accessible and culturally relevant legal services. Strategic litigation and awareness campaign can help addressing systemic issues and discriminatory practices, promoting a more equitable legal landscape.

By addressing barriers to access justice, supporting the restoration of rights, and promoting accountability, legal aid and justice programs contribute to the stabilization and recovery of crisis-affected communities. The lessons learned through this project underscore the importance of inclusive, coordinated, and innovative approaches to legal aid and access to justice programmes, with a focus on empowering the most vulnerable and hard-to-reach populations. These efforts must be sustained and expanded to build more just, equitable, and peaceful societies in the wake of crisis.

PART 1

Why a focus on access to justice and legal aid in humanitarian settings?

1.1 The Issue

Legal aid needs¹ are pervasive, and within every society certain segments of the population face obstacles in accessing justice. Conflicts, violence, human rights violations and disasters often lead to population displacement and exacerbate existing marginalization and exclusion dynamics while simultaneously creating additional barriers to justice and increasing the complexity of existing legal aid needs.

Crises often impede the ability of both formal and informal justice systems to address and resolve issues effectively. The destruction and fragility of institutions may create major challenges for states, straining governmental resources and disrupting the continuity and quality of government systems and services. In humanitarian settings, statutory justice actors may lack the capacity, willingness or legitimacy to deliver justice and security for all, particularly in complex contexts of instability and disorder. Additionally, changes in power dynamics and population demographics can influence the capacity of both formal and customary and informal justice systems to resolve conflicts between communities. In post-conflict settings, customary law assumes a particular role in restoring social, political, and economic stability due to the moral, religious or traditional authority it holds in establishing order.

During crises, new legal aid needs often arise as a result of human rights violations, while existing barriers to accessing justice become more complex. Displacement often results in erosion of legal identity, where access to basic services or opportunities may be premised on acquisition or retrieval of identity documents, refugee cards, movement permits or employment permits. Crisis-affected populations may face discrimination when trying to restore their rights and are more likely to be victims of further violations. Denial to access housing, land and property rights can hamper

¹ In line with the Conceptual Framework adopted by the GPC TTLP, a legal aid need arises when an individual, household, community or population group: (I) requires support from specialized entities/actors to deal appropriately with a justice problem because they lack of legal capacity/knowledge/awareness to identify, address and solve it; (II) faces legislative, institutional, practical, legal, administrative or other type of obstacles in accessing justice; (III) suffers (or at risk of suffering) a human rights violation and has the right to receive timely, adequate, comprehensive and effective reparations / remedies. For the purpose of this study, these can be also referred to as legal problems, justice problems, legal aid issues, justice needs. The conceptual framework, together with all the tools produced within the project, is available [here](#).



return, restitution or/and compensation processes and negatively impact pathways towards durable solutions. Many official, customary and informal paths to justice are unavailable to those who have experienced displacement; in some contexts, harmful cultural norms may impair the ability of women, children and persons with diverse and specific needs to access or exercise their rights. Given the protracted nature of crisis and displacement today, unaddressed justice problems can perpetuate insecurity, poverty and inequality, impacting host communities as well, negatively impacting sustainable development.

Access to justice and legal aid interventions should form the cornerstone of humanitarian, development and peace interventions and should be at the centre of all protection efforts. These interventions enable crisis-affected populations, including displaced individuals and victims of human rights violations to be recognized before the law, to assert and restore their rights and ultimately to pursue the durable solution of their choice and to participate - as empowered agents of change - to peace, sustainable development of their families, communities and societies.

In humanitarian or crisis settings, legal aid and access to justice programmes play a crucial role in raising awareness of rights and obligations amongst crisis-affected populations. They assist individuals in navigating complex procedures and, where necessary, offer legal representation in court or before non-judicial authorities. Legal aid is vital in facilitating access to humanitarian, development and public services for affected populations on an equal basis for all. Other initiatives focus on assisting duty bearers in overcoming systemic changes by advocating for policy, legislative or administrative changes, or by strengthening their capacities to fulfil their obligations and agency.

Enhancing the role of national civil society organisations and/or community-based organizations or structures that offer direct legal aid and technical support, monitor access to rights among displaced populations and advocate through national platforms/forums is another essential aspect of legal aid programmes in humanitarian settings and contributes to achieving lasting solutions through strategic partnerships and the transfer of skills, knowledge, and solutions.

In transitional justice contexts, legal aid and access to justice assume critical importance. Often, forcibly displaced populations have experienced harm and social and economic inequality. Restitution of housing, land and property (HLP) to those who have been displaced represent the form of reparations directly linked to displacement. In post conflict situations, affected people may need legal aid to retrieve their civil and legal documentations, key to be recognized before the law, file complaints to obtain redress for the violations they suffered and, in some case, obtain citizenship. Generally, legal aid is key to ensure due process of law and fair trials, ensuring accountability for violations and contribute to rule of law and good governance. Access to justice and reparations can serve as a deterrent to future forced displacement and can directly address obstacles to durable solutions. These interventions may extend beyond facilitating coexistence or reconciliation between victims and the perpetrators; they aim to reconcile individuals with state institutions and other groups, and should be designed and implemented in a manner that addresses unequal and unjust conditions, rebuilds social connections and promotes lasting peace.

In protracted crisis, coordinated access to justice and legal aid interventions across the humanitarian-development-peace nexus are essential to effective emergency response, sustained recovery, and sustainable solutions. Access to justice can mitigate and prevent exclusion and marginalisation, often root causes of crises. Rule of law and justice interventions contribute to build effective, fair institutions, and trust in the judicial/justice system, which also contribute to more stable and peaceful systems. Aligned with the goals of the 2030 Agenda, equal access to justice for all is fundamental to the development of peaceful, just, and inclusive societies, leaving no one behind.

Despite the significance of access to justice and legal aid in humanitarian crisis, including in situations of forced displacement, this area of work often receives insufficient attention. Several factors contribute to this including:

- **Sensitivity to politicisation, particularly in transitional contexts where applicable laws and enforcement authorities may lack legitimacy or trust among crisis-affected populations;**
- **Complexity necessitating precise standard operating procedures, qualified staff, and coordinated efforts with justice and other local and national institutions (both formal and informal);**
- **Dependence on evidence-based analysis of justice landscapes, problems and avenues, especially in settings with diverse justice actors and systems;**
- **De-prioritisation and limited resources, particularly in fragile situations;**
- **Need for long-term programming perspectives, sustainability and investments to achieve justice outcomes and solutions;**
- **Need for effective synergy with national and local counterparts and coordination with development and peace actors.**

Access to justice and legal aid therefore remain critical elements in addressing the multifaceted challenges encountered by populations in humanitarian and crisis settings. This report underscores the complexities and obstacles inherent in delivering such services, particularly in countries affected by conflict, displacement, and with fragile governance structures. It emphasizes the importance of evidence-based interventions and coordinated efforts across humanitarian, development, and peace-building justice actors to ensure effective emergency response, sustained recovery, and lasting solutions.

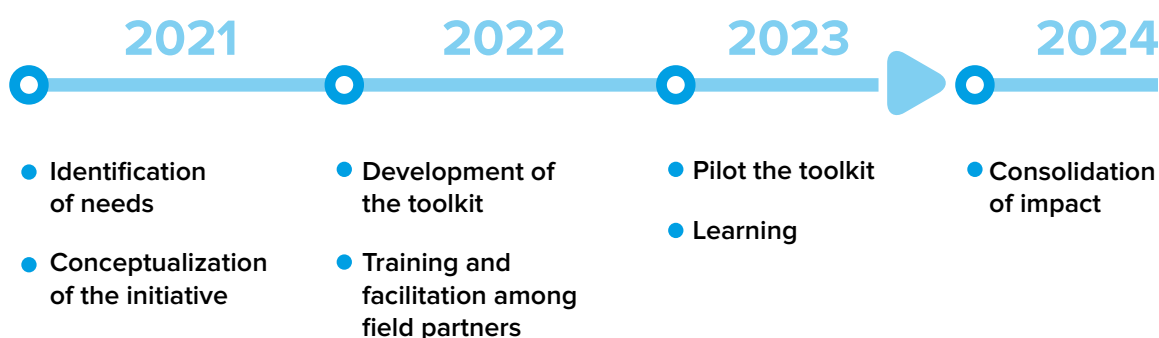
1.2 The Project

Based on the above considerations, the “Legal Aid in Humanitarian Settings Project” led by the Global Protection Cluster Task Team on Law and Policy (GPC TTLP) was launched in November 2021. As part of the overarching GPC TTLP strategy (2021-2024) the project had, among others, the objective to improve the capacities of both international and national justice actors working in humanitarian settings to:

- Position legal aid and access to justice at the core of humanitarian and development intervention and should be at the centre of protection programming;
- Support joint and coordinated analysis of the legal aid and access to justice landscape in crisis settings through knowledge and tools;
- Highlight best-practices in policy and practice at the national, cross-border and regional levels to promote learning exchange;
- Strengthen the humanitarian-development-peace nexus, recognizing access to justice as a central element to both emergency response, and sustained recovery from crises and durable solutions.

This project, with its ambitious scope and objectives, was steered by a core group of international organisations and agencies within the GPC TTLP² who, in coordination with their respective field colleagues in pre-selected countries, contributed to the development of a series of inter-agency analytical tools (see in particular the Legal Aid Analytical Framework, “LAAF”) and knowledge resources.³

Legal Aid in Humanitarian Settings



² Co-chaired by UNHCR and NRC, the TTLP core group is composed by: UNHCR, UNDP, UNODC, UNFPA (representing the GBV AoR), UNICEF (also representing the CP AoR), NRC (also representing the HLP AoR), DRC, IRC, ICRC, IOM and IDLO. Inputs to the project deliverables were also received by INTERSOS, Namati and HiIL.

³ All tools produced in the framework of this project are available at: <https://www.globalprotectioncluster.org/Legal-Aid-in-Humanitarian-Settings>. See section 3 of this report for more information on the LAAF toolkit.

The project kicked off with a mapping exercise in 2022: a survey was shared with Protection Cluster (co)coordinators, UN agencies, and international and national organizations involved in on legal aid and access to justice across various crisis contexts.⁴ Over one hundred responses were gathered and analysed, reflecting the realities in 31 countries affected by internal displacement as a result of conflict and disasters as well as some dealing with refugee and mixed movement situations. Respondents shared their perspectives on the main challenges related to legal aid and access to justice programming in humanitarian contexts and highlighted the need for collaborative reflection on effective strategies and practices concerning three key themes: 1) coordination, 2) partnership, and 3) access to hard-to-reach populations, in line with the overall strategy of the GPC, which had “access that protects” as a campaign in 2023. These themes serve as analytical lenses for the subsequent sections of the report. In the context of this call for joint reflection and sharing of experiences, the TTLP organised a series of webinars that placed a particular focus on legal aid in reparation contexts, legal aid to protect the right to legal identity and legal aid in customary and informal settings.⁵

1.3 The Purpose, Scope and Methodology of the Report

The purpose of this report is to consolidate the collective learning resulting from the exchange of reflections, views, perspectives and experiences among the many legal aid and access to justice experts and practitioners working in a variety of crisis settings that actively participated in the webinars and throughout the project implementation. Through their voices, the report aims to enrich global learning and promote relevant action in this crucial sphere of humanitarian, development and peace response .

Section two of the report presents:

An overview of challenges faced by humanitarian, development, human rights and peace actors operating in crisis settings focussing on three aspects of programming: coordination, partnership and access to hard-to-reach population;

A collection of replicable and innovative effective practices and initiatives reported by field colleagues. These initiatives were designed and implemented to address the identified challenges and achieved a remarkable impact on the people affected by crisis, including displaced populations.

Section three of the report identifies key components required to develop transformative and relevant access to justice and legal aid strategies. It outlines the thinking underpinning the design of a sound legal aid and access to justice strategy and provides suggestions on how to:

⁴ The survey investigated various dimensions of legal aid programming in crisis settings including coordination, partnership, funding, challenges and good practices; priority areas for support. Additionally, key informant interviews (KIIs) were conducted with representatives from donor organisations to gather further insights. The findings from the survey were validated through a workshop with Protection Clusters coordinators in May 2022.

⁵ Concept notes, Agendas, Recordings of the three webinars are available [here](#).



COLOMBIA. A woman carries her son while walking on a footbridge over a mangrove
©UNHCR/Marina Calderon

Define a coherent theory of change (*why and what for?*)

Position legal aid and access to justice at the core of humanitarian and development response (*what? which intervention?*)

Define target groups as justice seekers and agents of change ensuring people centred and inclusive approaches (*who do we work for and with?*)

Choose the most adequate and innovative ways of programming through partnership and innovation (*how?*)

The report is founded on knowledge gained and exchanges that occurred throughout the project implementation, particularly through the following:

- **Qualitative data:** A survey conducted in 2022.
- **Three thematic webinars held in 2023 covering:**
 - Legal aid and access to justice in reparation contexts
 - Protection of the right to legal identity
 - Legal aid in informal and customary justice contexts.
- **Key informant interviews and events involving key strategic donors.**
- **Regular meetings of the GPC TTLP core group.**
- **A learning event on the Legal Aid Analysis Framework (LAAF) implementation.**
- **Consultations with Protection Clusters.**

PART 2

Effective Practices and Initiatives across Key Themes

This section outlines the challenges faced by humanitarian, development, human rights, and peace actors operating in crisis settings in the area of access to justice and legal aid across three key thematic areas: coordination, partnership, and access to hard-to-reach populations. Challenges in each area are contextualized and their impact on the rights of crisis affected population explored. Effective legal aid and access to justice practices and initiatives identified by field colleagues within each area are then presented. These initiatives were selected for having demonstrated positive impact on those affected by crises, including displaced populations, by providing valuable evidence of transformative and essential access to justice and legal aid strategies in challenging contexts.

2.1. Coordination

Most experts consulted throughout the project stressed the need to enhance synergies between local, national and international humanitarian, development, human rights, and peace actors, as well as between coordination platforms and mechanisms, in designing and implementing access to justice and legal aid interventions in crisis contexts. Legal aid and access to justice practitioners also stressed the importance of sharing lessons learnt on how to effectively engage local actors. Strengthening coordination in the development and implementation of strategies was identified as a critical area requiring attention at the national level, and in some contexts, at the regional and/or cross-country level. Most actors underscored the significance of considering strategies and initiatives for engaging with donors to mobilise their political, technical and financial support in this crucial area of work.

Analysis of Challenges

Legal Aid Orphan of Coordination	Context	Coordination may be frustrated by the concurrent application of humanitarian law (including customary humanitarian norms) international human rights law and international criminal law within the same crisis context. Existence of a multiplicity of thematic/geographic/legal status coordination platforms (HLP, LCD, CP, GBV, Rule of law, ...) where legal aid is discussed without synergies
	Impact	This creates fragmentation, hinders effective collaboration between various legal aid actors and initiatives, and contributes to lack of overall national strategy on legal aid and access to justice.
Weak Participation of National Legal aid and Justice Actors⁶	Context	Limited involvement of local legal aid and justice actors) in existing humanitarian and development coordination platforms and mechanisms, which are often disconnected from local realities and justice priorities.
	Impact	Lack of ownership and leadership by national justice actors contributes to weak understanding of local needs and undermines the relevance and effectiveness of coordinated efforts.
Regional/ Cross-Country Crisis Approach	Context	Limited experiences of coordinated regional/ cross-border legal aid and access to justice programming in crisis situations often leads to scattered responses instead of a cohesive strategy.
	Impact	In cases of crises spanning multiple regions or countries, this challenge exacerbates the difficulty of addressing legal aid issues comprehensively.

⁶ Justice actors include duty bearers, civil society, customary and informal mechanisms and actors, private sector, networks of lawyers, etc. See “Legal aid and access to justice conceptual framework” produced in the framework of the project and available at: <https://www.globalprotectioncluster.org/Legal-Aid-in-Humanitarian-Settings>

States/Territories with Multiple Justice Systems and Actors	Context	Existing coordination structures face numerous challenges in states/territories with multiple justice systems or characterized by legal pluralism, including issues related to de facto/state authorities, customary and informal/statutory systems, and occupied territories.
	Impact	The complexity of multiple justice systems adds layers of difficulty to coordination efforts, requiring a nuanced approach to address diverse legal aid needs.

Key Learnings on Effective Initiatives on Coordination

Thematic and Technical Coordination Platforms	Description	Create specific thematic and technical coordination platforms once legal aid needs are identified, involving a diverse range of relevant local (Bar Associations, local legal aid civil society organisations, customary and informal actor, etc.) and international (humanitarian, human rights, development) justice actors.
	Focus	Address the challenge of fragmented discussions by fostering collaboration through targeted platforms.

Ad Hoc Working Groups within Protection Clusters	Description	Establish ad hoc legal aid and access to justice working groups within protection clusters dedicated to legal aid, ensuring the participation of various actors, including state-funded legal aid systems, private lawyers’ organisations, academia, and national schools of judges.
	Focus	Address the challenge of weak participation by fostering inclusivity within coordination structures



Rule of Law/ Justice Coordination Platforms	Description	Create rule of law/justice coordination platforms that bridge humanitarian and development actors, coordinating with local duty bearers to ensure comprehensive approaches.
	Focus	Address the challenge of scattered responses in complex crises by establishing opportunities for dialogue and collaboration.
Nationally Owned Platforms	Description	Strengthen existing national coordination platforms at the field level, emphasising local actors' ownership of analysis and response. Rule of Law platforms could be opened to both informal and formal justice actors.
	Focus	Address the challenge of weak participation by empowering local justice actors and fostering a sense of ownership in coordination efforts.
Alignment with Local/ National Development Plans	Description	When possible, align justice interventions with existing local and national justice sector plans to integrate legal aid and access to justice interventions into broader development strategies.
	Focus	Emphasise the importance of considering local priorities, addressing the challenge of disconnected coordination from local realities.
Coordinated Advocacy and active engagement with donors	Description	Engage in coordinated country-specific advocacy for justice for all, including in situations of forced displacement, demonstrating the importance of a unified voice. It is essential to engage with donors in a coordinated manner and to strengthen their potential role as partnership brokers and agents of policy change
	Focus	Address the need for coordinated advocacy, promoting a comprehensive approach which includes different actors with diverse competencies towards a joint/common set of policy priorities in crisis situations.

What we learnt

Overall Coordination Strategy



Prioritise targeted collaboration through specific platforms to avoid fragmentation.

Foster inclusivity by establishing dedicated working groups within relevant clusters / working groups / forums and by prioritizing a rights-based approach across all clusters to ensure access to justice to all

Integrate legal aid efforts into broader development plans, ensuring alignment with local priorities.

Empower and involve national legal aid and justice actors to enhance ownership and participation.

Advocate for a unified voice in country-specific and regional legal aid initiatives.

More systematically involve donors, where relevant and possible, as partners and partnership brokers.

2.2 Partnerships

Legal aid actors and other relevant stakeholders expressed interest in gathering knowledge on how to build solid partnerships with national legal aid and justice actors as well as with people affected by crisis for more sustainable and relevant access to justice and legal aid interventions in crisis contexts. Many experts outlined the challenges faced in ensuring justice seekers are involved in the design and implementation of legal aid and access to justice programs and initiatives.

Analysis of Challenges

Pre-existing Weak Capacity of National Legal Aid and Justice Actors	Context	Local and national legal aid and justice actors, face pre-existing weak capacity, which is exacerbated by crises and displacement.
	Impact	This impacts the ability of existing local justice actors to respond to an increased legal aid caseload resulting from a broader typology of violations occurred during crises and to a comparatively diverse range of profiles of affected people.



<p>Legal pluralism⁷ not been leveraged through in-depth mapping and strengthening</p>	<p>Context</p>	<p>Existence of multiple justice systems (formal and customary and informal justice) that do not recognise or engage with each other.</p>
	<p>Impact</p>	<p>This challenge hampers coordination and collaboration between different justice systems and actors, potentially leading to gaps and inconsistencies in legal aid coverage.</p>
<p>Lack of trust by Crisis-Affected population</p>	<p>Context</p>	<p>Justice actors and systems lack trust and legitimacy among crisis-affected and displaced populations.</p>
	<p>Impact</p>	<p>The lack of trust hinders effective engagement with legal aid services and programs, making it challenging to provide assistance to those in need.</p>
<p>Restricted Civic Space</p>	<p>Context</p>	<p>Limited operational space for local civil society organizations providing legal aid, with operational difficulties in engaging with local legal aid actors.</p>
	<p>Impact</p>	<p>The restricted civic space makes it challenging to establish effective partnerships and deliver legal aid services to some segments of the crisis affected population, especially in areas/territories with legal aid bans or operational restrictions.</p>
<p>Complex dialogue with De Facto Authorities</p>	<p>Context</p>	<p>Difficulties in defining concrete strategies for engagement with de facto authorities, taking into account the risk of legitimizing and interfering in times of emergency and transition.</p>
	<p>Impact</p>	<p>The inability to collaborate with de facto authorities poses challenges in reaching certain populations, creating pockets of hard-to-reach areas.</p>

⁷ Legal pluralism means the existence of multiple legal systems within one geographic area. See “Legal aid and access to justice conceptual framework” produced in the framework of the project.

<p>Sensitivity/ Politicisation of Legal Aid</p>	<p>Context</p> <p>Sensitivity and politicisation of legal aid and access to justice in some countries/ territories and/or state-funded legal aid ensured only for the most serious of crimes, hindering the identification and formalisation of partnerships.</p>
	<p>Impact</p> <p>Political sensitivities around the legal aid provision (including reluctance of state legal aid institutions to engage with civil society organizations and/or paralegal aid organizations) may add complexities to forming partnerships and may limit the ability to provide legal aid in certain contexts and/or to some population groups.</p>

<p>Formal and Customary and Informal Justice Systems present a range of shortfalls hindering effective partnerships and synergies</p>	<p>Context</p> <p>Formal justice system may not be able/ willing to access the ones in need, implies high costs and may be characterized by complex language and access procedures, punitive focus, lengthy case determination periods and other related challenges. Customary and informal justice systems can be discriminatory towards certain marginalized groups and repropose patriarchal, traditional, economic and social norms linked to the root causes of the crisis..</p>
	<p>Impact</p> <p>The inclusion of customary and informal justice systems in partnership strategies is essential for comprehensive legal aid coverage. However, an in-depth understanding of justice seekers’ capacities, challenges before and through the crisis and their perception of solutions proposed by those mechanisms and actors together with an assessment of their ability to provide solutions and be transformative is key.</p>



UNHCR Mozambique ©UNHCR

Data and information asymmetry	<p style="text-align: center;">Context</p> <p>Justice All actors involved in the access to justice and legal aid sphere of action (formal, customary, national, international, humanitarian and development) use different case and information management systems with no interoperability, and in most cases define the same justice problems and legal aid issues differently.</p>
	<p style="text-align: center;">Impact</p> <p>This data and information asymmetry coupled with incoherent and often divergent use of terms constitutes a challenge to meaningful and effective partnership, at national and global level.</p>

Key Learnings on Effective Initiatives for Partnership, Including Private Sector:

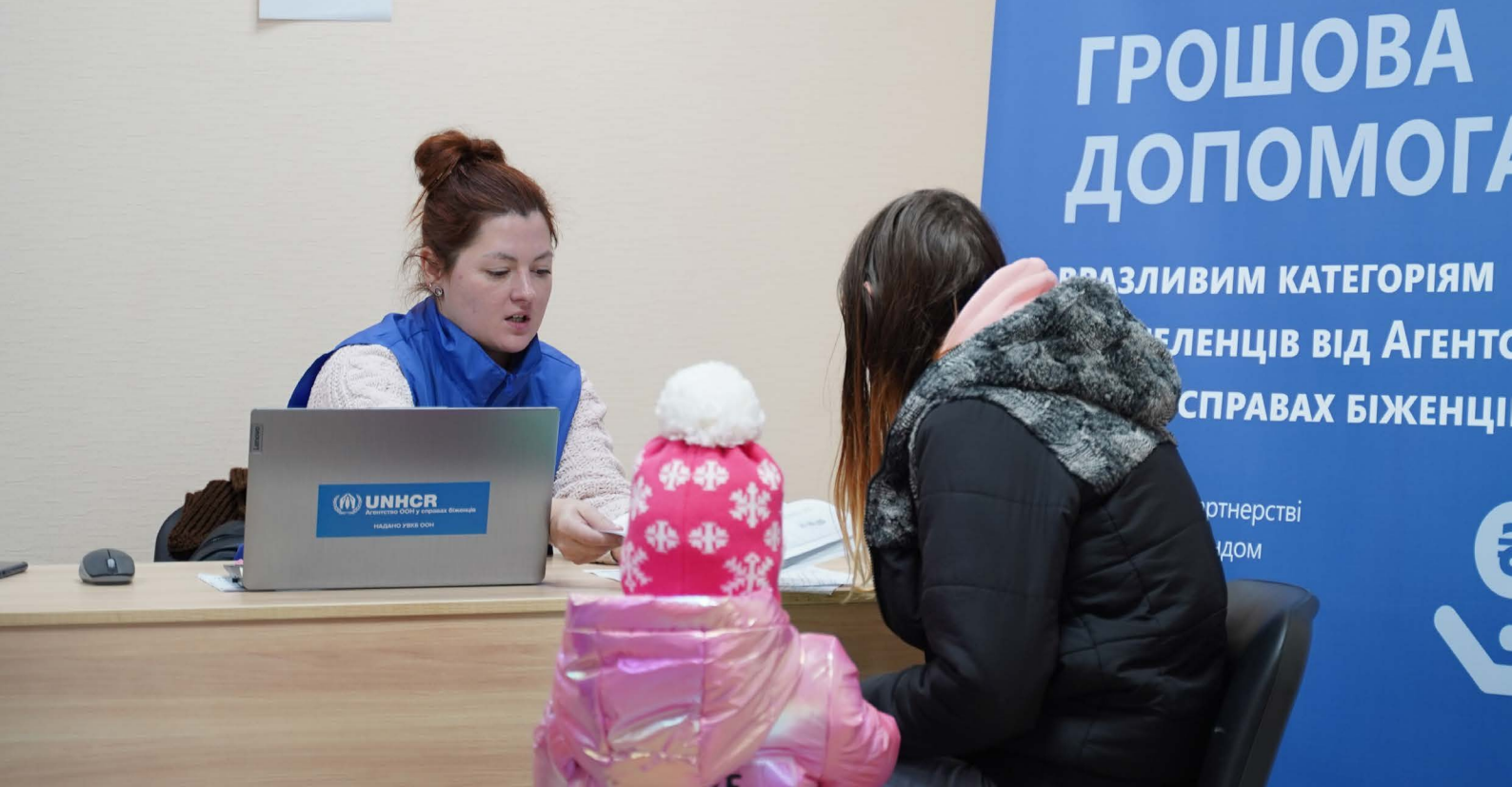
Participation of Displaced Population	<p style="text-align: center;">Description</p> <p>Involve all types/status of displaced population in the design and implementation of legal aid interventions to build solidarity and foster crisis affected population ability to participate in decision making processes</p>
	<p style="text-align: center;">Impact</p> <p>Inclusive participation mitigates the risk of exacerbating social divisions, addressing challenges related to trust and legitimacy and facilitates more relevant and appropriate design of legal aid and access to justice interventions</p>

Victims’ Participation in Transitional Justice Mechanisms through Partnership with CSOs Providing Legal Aid (UNDP Colombia)

- **The issue:** The Comprehensive System for Truth, Justice, Reparation and Non-Recurrence was created after the Peace Accords signed between the Government and the FARC-EP in 2016. With the rolling out of the Special Jurisdiction for Peace (JEP), an emerging challenge was ensuring participation of victims in judicial processes running in that transitional justice court.
- **The solution:** In support to the JEP, UNDP established a programme that is implemented together with 22 civil society organizations to provide judicial representation, legal advice, and psycho-social support to the victims of the conflict accredited in all macro-cases under investigation (including kidnapping, extrajudicial killings and enforced disappearance, illegal recruitment, sexual violence and other forms of GBV, among other crimes structurally related to forced displacement).
- **The impact:** This programme has allowed the judicial representation of 6014 individual victims, as well as 328 collective victims -indigenous peoples and afro-Colombian communities-, reaching over 300.000 victims overall. An important aspect of the programme was the implementation of differential approaches (ethnic, gender and territorial) in litigation methodologies respecting ethnic worldviews and the rights to self-determination. As the estimated proportion of IDPs among all victims in Colombia is over 85%, this programme has had an important impact on the victims’ capacity to access justice, learn about the truth behind the crimes and harms they suffered in the past, and start a restorative symbolic reparation process aiming to reconciliation.

Partnership with Specialised and/or Grassroot Organisations	Description	Form partnerships with specialised and grassroots organisations to complement mainstream access to justice interventions and respond adequately to specific sets of legal aid needs and/or to specific segments of crisis affected population
	Impact	Collaborating with diverse organisations helps bridge gaps in legal aid coverage and tailor services to unique requirements.





UKRAINE. UNHCR supports thousands of internally displaced in Poltava Oblast
©UNHCR/Victoria Andrievska

UNHCR’s Partnership with International Legal Foundation (ILF) (Myanmar example)

The ILF provides direct holistic legal aid services to people accused of crimes; it also mentors and trains legal aid lawyers in five countries, including Myanmar, since 2017. This partnership complements UNCHR’s protection interventions in other areas. ILF provides holistic legal aid services seeking to address the intersecting and collateral legal issues and discrimination faced by displaced minorities, often due to persecution or conflict. One significant issue is the lack of identity and registration documents, which frequently results in arrests and criminal prosecutions. When individuals are detained over migration and citizenship matters, holistic legal aid is needed to address, in addition to issues relating to the complicated intersection between criminal and civil law, additional considerations including on gender, age, ethnicity, religion, poverty, vulnerability, health and safety. By doing so, the legal services can enhance access to justice for the marginalized groups and address the underlying issues that frequently bring people into contact with the criminal justice system. For example, ILF represents Rohingya community members who are detained in criminal court and, as part of their practice, the civil lawyers work to obtain civil documents for the displaced communities as well as to raise awareness on the importance of civil documentation, so that minority members do not get arrested in the future. Social workers also connect them with social service providers to address other non-legal aid needs people may have.

Tackling Complex Legal and Civil Documentation in Ukraine (Right to Protection, R2P)

- **The issue:** The ongoing armed conflict in Ukraine and continuing hostilities have resulted in loss and destruction of personal documents, birth certificates and passports essential to access services and rights. Therefore, it is highly important to support people we work with and for in obtaining respective documents. Some of the most difficult cases concern people whose data has never been in digital registries. They could be older people who never travelled abroad or young adults who live in occupied territories, came of age there and never obtained Ukrainian documents. One example of such a complicated case is the situation of a young mother (22) originating from Donetsk oblast who never possessed a Ukrainian ID, but only a birth certificate. As a result of the conflict, she left Donetsk with her small baby (less than one year old), who had a birth certificate issued by an unrecognized self-proclaimed republic.
- **The solution:** This case was identified during the lady's crossing of a humanitarian corridor, where she was assisted by a case manager. However, it soon became clear that in addition to social accompaniment, the lady also needed legal assistance. The social partner therefore referred the case to a legal partner, who helped her with obtaining a Ukrainian passport (requiring going through an identification process with the State Migration Service). The passport was issued within two months; during that time, the lady used a temporary identity certificate. Only after the ID card was issued, the legal partner helped her to submit an application and provide the necessary evidence to the court (NB: registration of births that occurred at occupied territories is only possible based on the court decision). After obtaining a court decision and registering birth of the baby, the lady could obtain multiple services and access assistance. Additionally, partners have elaborated step-by-step guidance on birth and death registration to support non-legal partners in providing basic advice. There is also an ongoing advocacy to implement administrative procedure for registration of births that occurred at occupied territories.
- **The impact:** Impact in situations of personal documents is huge. In this particular case, the baby was provided with necessary medical care including vaccination; access to one-time-off payment due to each Ukrainian baby; be registered to a kindergarten (one has to enroll at least 12 months in advance). Her mother was able to apply for IDP registration, obtain IDP allowance, as well as apply for social benefits due to a single mother. With proper documents small family will also be able to receive other types of support, including applying for temporary housing for IDPs, seeking education and livelihood opportunities for the mother etc. This also reduced a risk of them becoming victims of trafficking.

Tackling Employment Related issues in times of war (Tenth of April, UNHCR partner organization)

- **The issue:** when the war started, many enterprises could not evacuate; their stamps and official documents remained in occupied territories. For people to be able to officially start new employment, it is crucial to obtain confirmation of suspension of the previous contract. This cannot be done administratively and requires going to the court.
- **The solution:** partners were assisting people in collecting necessary documents and resolving issue of suspending previous contracts in the court procedure. Support here was extended by the State Employment Centers that conducted awareness raising session jointly with legal partners on the process of suspending the previous contracts and accessing Employment centers and employment opportunities.
- **The impact:** having suspended the contract with the employer that remained at occupied territories opened ways to durable solutions and access to livelihoods for many individuals therefore reducing dependency on humanitarian aid.

Partnership with Local Legal Aid Actors – customary and informal justice

Description

Partner with local legal aid actors, including customary and informal justice actors, to reach hard-to-reach populations

Impact

Collaborating with local actors addresses challenges related to restricted civic space and operational difficulties in engaging with organizations.

Partnership with local legal aid actors – existing legal aid systems

Description

Establish ad hoc legal aid and access to justice working groups and strengthen the capacity of existing free legal aid systems to respond to crisis-affected populations' legal aid and access to justice needs.

Impact

Strengthening existing systems ensures a more robust response to emerging legal aid needs, overcoming challenges related to weak capacity and reach, ensuring sustainability of the interventions.

Partnership with National Justice Actors (UNDP Ukraine)




- **The issue:** Following capacity assessments and consultations with the Free Legal Aid System, the need was identified to support further development of the training management system within FLAS, with a special focus on the development of employees’ public speaking and oratory skills, on the evaluation and development of personnel’s competencies and individual development plans, and on military crimes.
- **The solution:** Key objective for UNDP Ukraine is to improve the efficiency of and access to justice. In order to achieve this overarching goal, the UNDP actively supports the FLAS to strengthen both organizational and professional capacities and ensure FLAS personnel has the necessary skills to ensure the work effectiveness and quality of services. To ensure that continuous learning and professional development is enshrined and supported as part of the FLAS organizational culture, the UNDP have been adopting a training approach that results in the transfer of knowledge to its management body – the Coordination Centre for Legal Aid provision (CCLAP) has identified among its employees future trainers passed the mentioned ToT and who deliver capacity building for their colleagues focusing on skills in demand for the FLAS personnel. In parallel, the respective training materials have been developed and passed to FLAS for further use.
- **The impact:** Enhancing the FLAS capacity on their soft skills, along with providing access to legal advice and justice services for fair and equitable hearing and redress of military-related crimes increased the capacities of legal aid providers to respond and recover from external shocks; strengthened the country’s social fabric, and improved community resilience in the face of attempts at destabilisation and disunity brought about by the compound threats of disinformation and conflict.

Digital Legal Platforms in Collaboration with Bar Association	Description	Establish digital legal platforms in collaboration with Bar Associations
	Impact	Digital platforms enhance accessibility, especially in areas with limited civic space or operational challenges, facilitating partnerships.



Creation of Spaces for Engagement for justice seekers	Description	Create safe spaces for the engagement of justice providers and seekers to design justice programs.
	Impact	This initiative promotes collaboration between different justice systems, addressing challenges related to parallel or pluralist systems.
Legal aid strategies to protect civic space, including through strategic engagement with donors	Description	Engage donors strategically as conveners of civil society spaces.
	Impact	This initiative addresses challenges related to restricted civic space and political sensitivities, ensuring sustainable partnerships

Legal Aid to Protect the Civic Space (UNDP Myanmar)

- The issue:** Since the February 2021 military coup, Myanmar Civil Society Organisations providing Housing, Land and Property rights related legal aid to vulnerable communities have faced increasing scrutiny. Moreover, the military capture of administrative and judicial institutions eroded their legitimacy significantly, leading CSOs to refrain from dealing directly with them. Moreover, Ethnic Armed Organisations (EAOs) strengthened their own governance systems and expanded their geographic areas of control.
- The solution:** UNDP Myanmar developed an interim HLP protection approach in consultation with its CSO partners. Such approach comprises measures to protect and improve the resilience of CSOs under political and conflict related shocks in Myanmar, including:
 -  Strategic legal aid work approaches adapted to the context that mitigate the risks faced by CSOs and provide effective assistance to beneficiaries both in areas controlled by the military-controlled State Administration Council (SAC) and EAOs,
 -  Innovative ways to improve the security of tenure of customary land users and prevent land grabs,
 -  People-centered justice in the form of Collaborative Dispute Resolution (CDR) led by village leaders,

- ✓ Measures to strengthen CSO resilience through risk sharing and other adaptations by donors,
 - ✓ Bottom-up initiatives to promote climate resilience through land use at the community level,
 - ✓ Research on federal land management systems, Building capacities to empower CSOs and beneficiaries digitally,
 - ✓ Continuous M&E, learning and research.
- **The impact:** After three years of implementation, UNDP CSO partners were able to provide significant support to vulnerable communities in conflict affected areas despite the serious obstacles in place. Learnings from the implementation are continuously used to improve existing approaches and develop new ones.

What we learnt

Overall Partnership Strategy



Prioritise inclusive participation of national legal aid and justice actors to build trust and solidarity.

Establish diverse partnerships to address specific needs and complement interventions.

Collaborate with local actors to overcome operational challenges and respond to the legal aid needs of hard-to-reach populations.

Leverage digital platforms for accessibility, especially in restricted civil spaces.

Strengthen existing legal aid systems through partnerships and capacity development.

Engage with donors to ensure sustainable support for civil society organisations

Map existing formal and customary justice systems understanding their capacities and responses before developing strategies to address shortcomings and sensitivities of both.

Ensure symmetry of data and information, including by engaging in joint legal aid and access to justice analysis and learning exercises, facilitating collaborative and complementary justice solutioning.

2.3 Access to hard-to-reach population

Particular emphasis was devoted to identifying ways to design and implement legal aid and access to justice interventions aimed at addressing and resolving legal aid needs of hard-to-reach populations in crisis settings. “Hard-to-reach” generally refers to groups that may be difficult to engage with because of a broad range of factors: geographical location, age/gender composition, political/social/cultural identity, level of marginalization/exclusion, type of the violation they suffered, nature of their displacement and mobility, inherent resilience and existing capacity to react to shocks, among others. As demonstrated by the learning below, “hard-to-reach” populations and their legal aid needs vary according to the contexts and the type of crisis. Therefore legal aid and access to justice strategies should: **a)** identify the target “hard-to-reach” population to serve and profile it through an in-depth understanding of their specific characteristics, **b)** study the typology of legal aid needs they face and their existing capacities, barriers they face and resources as well as their preferred justice journeys, before **c)** developing strategies to contribute to solve their justice problems.

Analysis of Challenges

Crisis-affected population living in occupied/ under de facto authorities' territories	Context	Legal aid/access to justice programs face obstacles in areas characterized by political instability or (military) occupation or control of a foreign state or a non-state entity I. These regions often operate under distinct legal frameworks, creating challenges for legal practitioners and judicial authorities in navigating complex jurisdictional issues.
	Impact	Limited access to justice for populations residing in such areas due to the unique legal and security challenges.
Crisis-affected population not accessing formal justice systems.	Context	Lack of recognition, coordination and cooperation between different justice systems, leading to confusion and barriers in accessing justice for some segments of the crisis affected population.
	Impact	Exclusion and marginalisation of religious or ethnic minorities, political opponents, women, children, youth, LGBTQI persons, or persons with disabilities, undocumented and stateless individuals from accessing justice

<p>Crisis-affected population suffering discrimination by informal justice system and actors.</p>	<p>Context</p> <p>Discriminatory practices by formal/informal/non-state legal aid and justice actors, marginalising specific groups within communities.</p>
	<p>Impact</p> <p>Exclusion and marginalisation of religious or ethnic minorities, political opponents, women, children, youth, LGBTQI persons, or persons with disabilities from accessing justice.</p>
<p>Undocumented and Stateless Individuals</p>	<p>Context</p> <p>Crisis has created or contributed to the creation/increase of certain segments of population being undocumented and stateless.</p>
	<p>Impact</p> <p>Lack of legal identity and nationality hinders access to justice and essential rights.</p>
<p>People in mixed migration flows</p>	<p>Context</p> <p>Crisis has exacerbated the difficulty of people in mixed migration flows accessing justice. Legal aid systems are often not available/designed to serve this specific population</p>
	<p>Impact</p> <p>Lack of legal residency, criminalization of irregular entry and/or stay contributes to a cycle of human rights violations and abuse. People in mixed movement flows face obstacles in accessing justice to receive redress and demand accountability.</p>
<p>Cross-country legal aid needs</p>	<p>Context</p> <p>An increasing number of crises have cross-country consequences and incidence. The prevalence, typology and severity of legal aid needs vary across countries. National legal aid systems are often not available/designed to serve specific set of legal aid needs with a cross-country /regional dimension.</p>
	<p>Impact</p> <p>Displaced population across different countries and across different justice systems face difficulties in resolving their legal aid needs.</p>

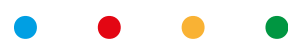


Key Learnings on Effective Initiatives for Access

Strategic litigation for hard-to-reach populations	Description	Use strategic litigation to showcase obstacles faced by hard-to-reach populations.
	Focus	Establishing key jurisprudence, strategic litigation addresses challenges in crisis-affected areas by leveraging legal processes to highlight and overcome access barriers beyond the level of the individuals and the family unit.

Strategic Litigation to Highlight and Solve Access to Justice issues of Stateless Persons and Children without Birth Documentation (ILF Myanmar)

- **The Issue:** In Myanmar, members of the Rohingya community are unable to access basic identification documents such as birth certificates and are frequently, and discriminatorily arrested and prosecuted for traveling outside their place of residence without proper documentation also known as “irregular movement.” Many of those arrested, especially women and children, are victims of trafficking.
- **The solution:** The ILF has represented more than 500 men, women, and children prosecuted for illegal movement. The ILF challenges these arrests and prosecutions on several grounds starting at the lowest court and strategically through to the Supreme Court. In 2023, the ILF filed one of the first petitions in the Union Supreme Court on behalf of 70 Rohingya accused of travelling without registration documents rendering this movement as illegal. The case was summarily dismissed however, the importance of this litigation was to raise awareness among justice sector actors of these issues, to document violations, and to present the challenges these communities are facing before the court. As this case was not dismissed on legal grounds, this litigation also keeps the door to further litigation open and provides a reference for improving the legal arguments to challenge this injustice in the courts. In tandem with strategic litigation efforts, the ILF has been conducting advocacy and providing holistic legal aid to the Rohingya community to obtain identity documents. In 2022, a local health official in an IDP camp, issued blanket guidance that children born before 2019 would no longer be eligible to receive birth certificates. This declaration has no legal basis and severely impacts many rights including the ability to access education. The ILF team challenged this at multiple administrative levels. The ILF went to the health department



and advocated that there is no exception in Myanmar’s Child Rights Law. Every child must be provided with a birth certificate. Additionally, the ILF conducted seven months of intense advocacy on behalf of one client to challenge this illegal practice and other administrative barriers.

- **The impact:** At the end of seven months, the ILF team secured a birth certificate for the child client and as a result of the process and repeated advocacy with stakeholders, a local health worker informed the ILF that they would not be holding to the previously stated 2019 rule, but that all children who meet the vaccination requirements could now receive a birth certificate. This decision has had wide reaching impacts for every child born in the IDP camps.

<p>Community paralegals for trust and knowledge transfer</p>	<p>Description</p> <p>Building upon the strengths of networks of community paralegals to reach communities where they are, building trust and ensuring targeted and people centred justice response.</p>
	<p>Focus</p> <p>Community-driven legal interventions mitigate challenges in pluralistic justice systems by employing trusted community figures to facilitate legal aid provision, and to design and implement access to justice strategies for those more in need. They also support the creation of civic space (legal empowerment approach)</p>

Empowering Women Community Paralegals to Support Access to Rights (IRC Cameroon)

- **The issue:** In Cameroon, a complex justice system with formal and traditional and customary law officially recognized are implemented. In Far north Cameroon, a region affected by conflict linked to Boko Haram, regular attacks result in population displacement and disruption of formal services including the work justice institutions. In addition, the justice system in Cameroon already presented various structural barriers and issues limiting access to justice for certain populations (distance, cost, barrier language...), which have become even more prevalent with increased insecurity. As a result, the majority of the population trust more and prefer using traditional and customary justice. In this context, some specific legal needs have been identified in 2020 by IRC legal team, including in relation to:



(i) access to documentation for all categories of population identified through protection monitoring as a risk to be more exposed to be killed, arrested or illegally taxed for those lacking documentation;

(ii) access to land for women, as well as

(iii) provision of legal services to GBV survivors. Through its analysis, IRC identified that justice decisions on housing, land and property (HLP) as well as family law are primarily taken by applying informal and customary law.

- **The solution:** In 2021, IRC developed a detailed legal training curriculum for community paralegals - women in the affected community who were identified and trained to become community paralegals. The only minimum requirement for women to be part of the training program was basic literacy and numeracy, as well as knowing the language of the administration. They were trained on:

(i) legal knowledge on 3 key legal themes: access to documentation, HLP rights for women, and GBV rights and law and

(ii) skills and competencies on key legal intervention following a 3 level-phased approach with increased complexity: know the law (i.e: legal awareness); use the law (i.e: referral, accompaniment, coordination, monitoring of access to rights, legal aid within informal process...) and shape the law (i.e: organizing the community, provide mediation and conflict resolution, local advocacy and dialogue..). IRC purposefully chose to select only women to embed within this community-driven legal response a transformative agenda to support norms shifting and positively influencing societal perceptions about the rights and roles of women and girls in their community.

- **The impact:** After 4 years of implementation of the women community paralegal program, positive outcomes included:

(i) strengthened access to justice for the communities with many people receiving sensitization on their rights on birth certificate, early marriage access to land; family and their children directly supported through accompaniment, document filling and other to ensure access to birth certificates ; referral of complex cases to IRC team for legal support. Moreover, community paralegal women in some villages were invited to be officially part of the decision-making in conflict resolution settings, to positively influence and ensure stronger linkages and harmonization with formal law.

(ii) a positive influence and shift in social norms including in reducing early marriage through direct dialogue and training of local customary chief on formal law being more protective. Having also trained only women and giving them a key and essential roles to defend rights of

the whole community gave them an empowered place. Some women paralegal stated “thanks to this program now we are an example to young girls in our community that women voice counts and should be heard. I have been myself married at 15 years old and will do everything to support girls access to education and their rights”.

(iii) **Stronger linkages between formal and informal justice actors and their communities** resulting in increased trust towards formal and informal justice. As community paralegals were working as linkages between the communities, they would support their voice and also identify gaps and need from the institution side. For example, they identified a community where there was no birth certificate registry left and started an advocacy towards IRC to support the delivery of those registry.

Mobile clinics and/or courts in partnership with local justice actors	Description	Use mobile clinics and/or courts in partnership with state authorities and/or local legal aid organizations to deliver legal aid services in hard-to-reach areas.
	Focus	Addresses challenges of hard-to-reach populations facing obstacles in reaching justice institutions and systems by providing on-the-ground legal services and support.

Addressing limited Freedom of Movement of People in need of Legal Aid through Strategic Partnership (UNDP Syria)

- **The issue:** Syrians are often faced with the challenge of accessing their civil and HLP documentation, particularly when they have been displaced from their communities or origin and when facing limited freedom of movement across geographical areas.
- **The solution:** UNDP provided support in establishing over 8 citizen service centres responsible for the provision of HLP and civil documentation across Syria. The staff working in these centers received capacity building, specifically on common legal issues and related protection concerns faced by community members, the importance of civil documentation as an initial step in exercising other rights, in addition to customer service.
- **The impact:** Citizens centres provided access to key documentation to those conflict affected population in hard-to-reach area.



Assisting Victims in hard-to-reach or underserved areas through Strategic Partnership with National and Local Actors (UNCHR Colombia)

- **The issue:** The population UNHCR Colombia works with and for has limited access to justice particularly because, due to geographical distance or lack of resources, they cannot count on free and quality legal assistance.
- **The solution:** UNHCR Colombia developed a national legal assistance strategy that includes collaboration at the local and national level with partners that provide legal assistance to ensure people's access to rights, aiming for a direct response starting from individualised legal assistance or using strategic litigation for a response with collective impact. Particularly relevant in this context is the work by the PROBONO Foundation and the Legal Assistance Programme of Legal Option, which is composed of legal clinics throughout the country.

Fundación PROBONO: Legal Assistance 'Brigades' in remote areas of the country. In 2024, 6 brigades in Valle del Cauca, Putumayo, Costa Caucana, Chocó and Medellín. Lines of intervention include:

- a. Empower beneficiaries at all stages of legal processes, with remote follow-up consultations.
- b. Strategic litigation and direct support for cases referred by UNHCR.
- c. Promote awareness of rights among populations of interest to UNHCR through pro bono legal education strategies (booklets and virtual training sessions).
- d. **Probono Challenge:** focused on seeking alternatives to overcome the unconstitutional state of affairs in matters of forced displacement, aimed at university students.

Legal Option: The implementation of the legal assistance programme in 2024 has been implemented in 32 legal clinics across 23 cities. The programme's team consists of 71 members, 617 law students, and 19 legal support volunteers. In the first half of 2024, 10,228 people were legally assisted. Lines of intervention include:

- a. Legal Assistance: Provided through legal clinics and decentralized brigades.

b. Strategic Litigation: Conducted through 7 national and regional legal clinics, focusing on: victims of armed conflict with non-Colombian nationality and access to the Victims' Law, family unity, due process and dignified housing for displaced people facing eviction from settlements, fundamental rights of asylum seekers in Colombia, prioritization of GBV survivors for administrative compensation.

d. Legal Advocacy: Promoted through legal actions, administrative procedures, events, and research.

- **The impact:** 1) Strengthening of civil society that provides quality legal assistance to forcibly displaced people and other victims of the armed conflict in Colombia, and 2) Strengthening of the Public Ministry, specifically the municipal offices that represent the Public Ministry in the territory, which guide affected population and assist them in accessing their rights.

Mobile ADR Centers	Description	Establish mobile Alternative Dispute Resolution (ADR) centres to reach population segments in need of legal services
	Focus	Tackles challenges related to access to formal justice systems by providing accessible legal mechanisms in underserved areas

Improving Coordination, Partnership, and Accessibility through Alternative Dispute Resolution (ADR) Centers in Somalia (IDLO Somalia)

In Somalia, provision of services by formal justice institutions is weak outside urban population centers. As a result, approximately 80% of the population relies on local customary law, known as Xeer, or Sharia to solve disputes.⁸ Procedures and outcomes of these customary and informal justice (CIJ)⁹ processes, however, can fall short of basic standards, especially with regard to the rights of women, disadvantaged and vulnerable people, such as people from minority clans, outside

⁸ IDLO, [‘Navigating Complex Pathways to Justice: Women and Customary and Informal Justice Systems’](#) (2020) p. 5.

⁹ IDLO, [‘Diverse Pathways to People Centered Justice: Report of the Working Group on Customary and Informal Justice and SDG16+’](#) (2023).



clan groupings or internally displaced persons (IDPs).¹⁰ Against this background-since 2019- IDLO has been supporting the Government of Somalia to establish and operate 19 physical ADR Centres and 2 mobile ADR Centres, with the latter deployed in conflict hotspots triggered or exacerbated by climate change.¹¹ The ADR Centres introduced multiple innovations, notably:

- **Promoting local ownership and partnership through hybridization.**¹² A key challenge affecting the sustainability of justice sector interventions, including CIJ programmes, is the limited involvement of national actors. To address this challenge, IDLO has been promoting a state-led hybrid justice model, whereby CIJ actors work hand-in-hand with formal justice institutions, especially the Ministry of Justice (MOJ). This model is proving extremely effective, since it combines the strengths of each part of Somalia's plural legal system: the affordability, speed and restorative aspect of the customary system, and the individual justice and human rights-aligned services of the formal system. Hybridization also helps enhance the likelihood that the targeted CIJ mechanisms will last, as they will receive the necessary financial and technical support from formal justice institutions. Evidence of the impact of this solution can be found in the over 20,000 justice seekers, especially women and vulnerable groups, who access justice through the supported ADR Centers between 2019 and 2023.
- **Improving coordination through justice forums.**¹³ This approach has been piloted in Somaliland and will be replicated throughout Somalia in 2024. These forums are organized on a quarterly basis to allow justice seekers and providers (including the MOJ) to discuss specific justice challenges affecting the Somaliland population (especially vulnerable groups) and identify possible solutions. The forums' findings are thoroughly documented and shared by the MOJ through the Rule of Law and Human Rights Platform to facilitate actions from both national and international stakeholders. Through these justice forums, the programme is offering a broader role to local communities in the identification, development and/or review of key policies/legal frameworks, which is in line with a human rights-based approach. Evidence of the impact of this adaptation is the inclusion of ADR in Somaliland's National Development Plan III (2023- 2027), which was advocated for through the forums.
- **Protecting hard to reach populations and vulnerable groups.** In addition to the mobile ADR centers, which are used to reach pastoralist/nomadic communities, these CIJ mechanisms are also used as a referral

¹⁰ IDLO, '[Accessing Justice: Somalia's Alternative Dispute Resolution Centers](#)' (2020) p.9.

¹¹ IDLO, '[Strengthening Climate Justice: The Role of the ADR Centers](#)' (2023).

¹² IDLO, '[Strengthening the Social Contract through Access to Justice in Somaliland: Reflections from Applying the Problem-Driven Iterative Adaptation Approach](#)' (2024).

¹³ *Ibid*

point and service aggregation hub for GBV survivors.¹⁴ International standards recognize that handling GBV cases through CIJ mechanisms is not advisable.¹⁵ However, the introduction of ADR Centres represents an innovative, pragmatic, and people-centered approach. They aim to ensure that, in such cases, referral mechanisms to formal justice and support services are operational. Thus, for GBV cases, the Centres act as a bridge to the hospitals, shelters, psychosocial service providers, the police and the courts. Concretely, paralegals stationed at the ADR Centres provide survivors of GBV with advice on how to open criminal cases with the police. When necessary, the Centers' paralegals, civil society organizations partnering with the ADR Centres, or community paralegals ensure the referral of GBV survivors by physically accompanying them to the police and courts and ensuring that they obtain the medical and legal assistance they require. Evidence of the impact of this innovation can be found in the over 700 GBV survivors, who were referred through the ADR Centers in Somaliland in 2023 only.

Participatory and coordinated legal awareness campaigns	Description	Design and conduct participatory and coordinated campaigns aimed at increasing legal awareness of specific segments of crisis affected population, otherwise excluded from mainstreamed information and sensibilisation strategies.
	Focus	Allows reaching marginalized rights holders by engaging communities in designing of content and by promoting inclusive legal knowledge.

Restitution Process to Indigenous and Afro Descendants (NRC Colombia)

NRC Colombia in collaboration with local authorities and universities are providing legal assistance to indigenous and afro-descendant communities to support with their HLP restitution as a critical step on the way to achieving durable solution The process allows for the

¹⁴ IDLO, 'Enabling Access to Justice for Survivors of Gender-Based Violence Against Women In Somaliland' (2023). Available at: <https://www.idlo.int/publications/enabling-access-justice-survivors-gender-based-violence-against-women-somaliland>, IDLO, 'Inclusive Practices in Alternative Dispute Resolution: Delivering People Centered Justice in Somalia' (2024). Available at: https://www.idlo.int/sites/default/files/2024/publications/documents/somalia_adr_centre_issue_brief.pdf

¹⁵ UNFPA, Minimum Standards for Prevention and Response to Gender-Based Violence in Emergencies (2015), available at: <https://www.unfpa.org/publications/minimum-standards-prevention-and-response-gender-based-violence-emergencies-0>





SYRIA. UNHCR supports families crossing back into Syria fleeing Lebanon hostilities ©UNHCR/Vivian Tou'meh

acknowledgement of the collective harm caused by violence and displacement and ensures the active participation of the affected communities throughout the entire process of claiming housing, land, and property rights while developing local capacities and skills.

This was done through helping communities to elaborate their needs and rights assessments, designing and developing action plans to overcome the identified needs and generating empowerment and resilience capacities. This participatory approach allows to balance customary and statutory legal systems address the humanitarian needs of ethnic communities in a comprehensive and respectful manner of their traditional practices and beliefs.

Digitalization of Legal Aid Provision	Description	Digitise legal aid provision (for example through online legal counselling or/and online legal awareness provision) to enhance accessibility.
	Focus	Mitigates challenges in crisis-affected areas by utilising technology for efficient and widespread legal aid delivery.

Digital Legal Aid Platform in Partnership with Bar Association (UNDP Syria)

- **The issue:** Many conflict-affected populations in Syria face obstacles in accessing justice.
- **The solution:** In 2022, UNDP Syria, in partnership with the Syrian Bar Association, developed the Virtual Legal Platform. The platform provides legal information and legal counselling. The platform provides easy access to easy-to-digest material on a broad range of protection issues. The platform includes a mobile application for easy access. All services are provided by a team of independent lawyers who have received training on human rights. Strict procedures ensure the safeguarding of all users' data.
- **The impact:** Due to its remote accessibility, the platform provides safe spaces for vulnerable persons, including people living with disabilities, refugees and women. It contributes to address legal aid needs related to civil documentation and housing land and property rights. Counselling is also provided on gender-based violence. This platform has also been used to provide support and prioritize people who had been affected by the earthquake. As of April 2024, the virtual platform had around 9,500 users, including 5,700 consultations (1,750 of whom are women).

<p>Providing legal aid and access to justice to victims in transitional justice processed in coordination with peace actors</p>	<p>Description</p> <p>Adopt participatory rights-based approaches to judicial representation working with victims' rights civil society organisations and peace actors.</p>
	<p>Focus</p> <p>The provision of legal aid and access to justice to those individual and/or groups who suffered human rights violations during conflict, contributes to reconciliation and peace process, empowering communities and promoting inclusive justice systems.</p>



<p>Cross-country case management tools to identify and respond to legal aid needs</p>	<p>Description</p> <p>Establish regional/cross-country case management systems/tools that can help contributing to solve legal aid issues with a transnational dimension (both in terms of affected people being displaced in different countries and/or in terms of the nature of the violation).</p>
	<p>Focus</p> <p>Helps tackling legal implications of crisis with regional/cross-country dimension through enhanced legal recognition of judicial decisions across countries, cross-learning among lawyers operating in different countries, sharing of legal knowledge and strategic litigation strategies.</p>

Cross-border and Regional Legal Aid and Access to Justice Programmes

- **The issue:** Displaced and conflict-affected people face a variety of justice problems with a “cross-border” dimension: (i) legal actions have to be undertaken in the country of origin in order to retrieve a legal or civil documents in the country of displacement; (ii) key documentation have to be obtained by the civil registry in the country of origin in order to proceed with housing, land, property inheritance cases; (iii) displaced population across different countries may want to solve family civil or HLP disputes.

Cross border Programming to Address Legal Aid issues of Displaced by the War in Ukraine (DRC)

- **The Solution:** On 11 May 2023, DRC Danish Refugee Council launched a new digital legal aid platform allowing IDPs in Ukraine and Ukrainians in other countries to access free legal aid consultations on a range of issues related to forced displacement. The platform links people in need and organisations providing legal aid through a virtual interface.
- **The Impact:** People displaced by the war in Ukraine can make informed decisions, access rights and services and pursue solutions to their situation, through timely available and high-quality legal information and assistance provided by DRC, as well as legal aid providers other organisations through the digital legal aid platform.

Regional Legal Helpdesk to Identify and Solve Legal Aid issues of Displaced Syrians (NRC)

- **The solution:** In 2019, NRC, in partnership with UNHCR MENA, developed a common scenarios matrix and a series of case management tools to be used as a 'legal help desk' function in host countries and in Syria. The toolkit is intended to be a practical resource for legal field staff and case managers when counselling Syrians on their legal options for accessing legal and civil documentation, on how to enrol in primary and secondary education in Syria, on how to protect their HLP rights and/or how to issue and terminate Power of Attorney within host countries and in Syria, including upon return to Syria. The matrix is a living document, and it continues to be updated with the latest legal development – especially in Syria. For legal identity and civil registration, NRC developed a number of scenarios to support vulnerable families with missing/absent family members who require civil documentation, but also to provide legal advice on issues relating to forged and fraudulent documents which have been emerging in the region when Syrians are not able to access the documents that they need in their daily life. The matrix is drawn on extensive legal analysis carried out by the NRC Capacity Building team and benefits from a legal coordination mechanism - an internal legal desk function - between lawyers working in NRC ICLA programmes in host countries and the Capacity Building team based in Damascus.
- **The impact:** The toolkit ensures that lawyers across the countries affected by the Syria crisis:
 - Periodically receive legal updates of the Syrian legislative framework related to civil registration
 - Understand practical implementation of laws, policies, regulations and decisions in Syria and hosting countries
 - Have a regional overview of the challenges related to implementation of the laws, policies, regulations and decisions and if possible coping mechanisms adopted by displaced Syrians to overcome those challenges

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UKRAINE. Svitlana speaks to a staff member from Ukrainian NGO Proliska in Dnipro, during the High Commissioner for Refugees Filippo Grandi's mission to Ukraine in January 2024.

©UNHCR/Iryna Tymchyshyn





Assisting People with disabilities with Specialized Legal Aid Services (IRC)

IRC partnered with local organisations in Poland, Ukraine and Moldova to ensure reach out of communities with the services they need the most. One of those partners is a local actor that offers 24/7 video interpretation and assistance to refugees who are among the 72 million members of the deaf community who use sign language. The sign language interpretation assists refugees with hearing impairment with everything from day-to-day tasks to complex legal matters.¹⁶

In Tanzania, IRC developed a project with persons with disabilities in refugee camps (“These rights are mine” project) aimed to empower persons with disabilities to also claim their rights. In addition to the actions that government and other actors who act on behalf of persons with disabilities can take to deliver these rights, a key area of action was the strengthening of OPD and CSOs to monitor and report on violations, as well as to provide responsive and remedial support to victims. This involves: 1) conducting training on disability rights monitoring, including through the use of accessibility audit tools; 2) support to establish monitoring system; 3) mapping and dissemination of available services; 3) training on safe referral and case management; 4) providing organizational capacity development and training.¹⁷

¹⁶ More details here: <https://www.rescue.org/eu/article/meet-oleksii-and-roman-interpreters-helping-deaf-ukrainian-refugees>

¹⁷ More information on the project: <https://www.rescue.org/report/these-rights-are-mine-disability-rights-among-refugees-and-host-community-tanzania>



SYRIA. A UNHCR team visits Syrian man Firas and his family at their apartment in Saboura, rural Damascus in October 2024. ©UNHCR/Vivian Tou'meh

What we learnt

Overall Access to hard-to-reach Population Strategy



- Prioritise flexible and context-specific approaches to overcome the unique challenges faced in crisis-affected and pluralistic environments
- Integrate technology, community engagement, and legal education to ensure comprehensive and accessible legal aid
- Collaborate with state authorities for mobile services, emphasising the importance of coordinated efforts for effective legal aid provision.
- Empower communities through participatory approaches, recognising the diversity of legal needs and ensuring inclusivity in justice systems.
- Where relevant, strengthen customary and informal justice mechanisms and actors and ensure their synergies with formal and statutory systems
- Implement strategic litigation and awareness campaigns to address systemic issues and discriminatory practices, promoting a more equitable legal landscape.



PART 3

Developing Transformative Strategies on Legal Aid and Access to Justice

Drawing on the insights and evidence presented in Part 2 of the report, Part 3 offers practical guidance to practitioners in the field to conceptualise and craft relevant and transformative legal aid and access to justice strategies and interventions that build upon four key elements.

Four Components of a Legal Aid and Access to Justice Strategy

Why and what for?	Define a coherent theory of change responding to legal aid / legal protection needs while contributing to address root causes of crisis, leading to unimpeded access to rights and justice
What?	Position legal aid and access to justice at the core of humanitarian, development and peace response, contributing to sustainable objectives
Who we work for and with?	Define target groups as justice seekers and agents of change ensuring people-centered and inclusive programming
How?	Choose the most adequate and innovative ways of designing and implementing through a genuinely localized approach and use innovative ways of programming

3.1. Why and what for?

The imperative of framing legal aid and access to justice programmes within the wider justice landscape and response

In addition to addressing the immediate needs, legal aid and access to justice programmes should contribute to addressing the root causes of crisis. It is crucial to ensure that interventions not only address immediate legal aid needs but also target the underlying causes of justice problems exacerbated by crises. Understanding the broader access to justice landscape can enhance the impact of legal aid programmes on SDGs by addressing key questions and leveraging existing systems to promote long-lasting, sustainable solutions.

Ensure that there is an analysis of the root causes of crisis to design sustainable justice solutions

Visible crises like conflict and persecution are well-known drivers of displacement. However, structural inequalities, discrimination and the gradual impacts of climate change often silently push people to leave their homes in search of dignity. A key lesson learned from the exchanges with legal aid and access to justice practitioners is the imperative of conceptualizing legal aid and access to justice programmes not only to address immediate legal aid needs but also to consider the root causes of justice problems exacerbated by crises. Justice actors should identify these root causes and invest in targeted, transformative measures to prevent the exclusion of vulnerable groups from justice systems. As mentioned by a participant from Colombia during discussions on legal aid in reparation contexts:

“Looking at the root causes of displacement 20 years ago would have helped us design more sustainable interventions, especially regarding land restitution and formalisation of informal settlements.”

Many stakeholders highlighted that if legal aid and access to justice programmes were designed taking into account root causes of conflict and/or the structural drivers that lead to forced displacement, such as human rights violations, climate change, marginalization, discrimination and poverty, they could better contribute to long-lasting, sustainable and dignified solutions. This is evident in transitional justice contexts where legal aid helps ensuring crisis affected populations' right to comprehensive reparation for human rights violations, including forced displacement, through measures like the restitution or compensation for destroyed and/or lost housing, land and property rights, thereby prompting reconciliation and peace. Many legal aid practitioners stressed the importance of legal aid to defend those migrants and persons in need of international protection (refugees and asylum seekers) arbitrary arrested, displacement and deported. In other contexts, legal aid can facilitate countries transitioning out of fragility by promoting legal and economic empowerment. Legal aid providers play a crucial role in resolving

disputes related to housing, land and property rights, and they also address economic barriers contributing to poverty. Participants highlighted how legal aid can be key to address citizenship and statelessness issues through legal strategic representation aimed at the issuance of legal and identity documents. In both rural and urban settings, legal aid providers can support landholders, smallholder farmers and entrepreneurs, and those seeking formal employment to navigate the complexities of legal systems.

Understanding the broader access to justice landscape can multiply the effects of legal aid programmes' contribution to SDGs

In addition to analysing the legal, institutional and policy frameworks related to the rule of law and justice sectors, key field colleagues operating in crisis settings emphasised the importance of assessing the existing capacities and responses of the various formal and informal justice actors. When conceptualising legal aid and access to justice interventions, it is important to address key questions: How do individuals resolve justice problems before and after a crisis? Can pre-existing dispute resolution and/or statutory justice systems absorb and/or adapt to new legal aid challenges faced by the crisis-affected populations? How can legal aid and access to justice programmes build upon strengths and capacities of existing systems? What gaps exist in the current justice response in terms of coverage, quality, inclusivity, age, gender and disability sensitivity? How can legal aid and access to justice interventions address structural deficiencies that may have contributed to exclusion and marginalization of certain sectors and groups of society? Legal aid and access to justice are cross-cutting enablers of other SDGs and have a pivotal role in upholding the rule of law. Therefore, it is essential to ensure that legal aid interventions are conceptualised within the broader sphere of justice action.

Legal aid Analysis Framework (LAAF): a toolkit to facilitate the design of coordinated legal aid and access to justice intervention from the common understanding of the justice landscape

The Global Protection Cluster Task Team on Law and Policy recognized the need to go beyond each organization's analysis of access to justice and legal aid landscape and needs in crisis settings and supported the development of common analysis tool, the Legal Aid Analysis Framework (LAAF).¹⁸ The LAAF is a practical human rights-based framework and tool that helps identifying and organizing available quantitative and qualitative data on: (1) legal, policy and institutional national environment and justice system, (2) legal aid needs and justice problems faced by the whole crisis affected population and (3) their consequences on affected peoples' ability to enjoy their rights as

¹⁸ The LAAF Toolkit is available here: <https://globalprotectioncluster.org/Legal-Aid-in-Humanitarian-Settings>

well as on (4) existing capacities and responses to tackle legal aid and justice needs.

The tool was designed to:

- (i) facilitate joint analysis by Protection clusters and humanitarian, development, peace and human rights actors of the legal aid and justice landscape to achieve more solid, evidenced-based analytical conclusions that can be used to foster collective and coordinated response, in dialogue with national counterparts.
- (ii) Strengthen the humanitarian-development nexus, recognizing access to legal aid services and justice as a central element to both emergency response, and sustained recovery from crises and durable solutions.

Strategically designed to be able to adapt to different crises and humanitarian situations, the LAAF toolkit has been used in a number of crisis settings across the globe both at country and at regional level. According to legal aid and justice practitioners representing a broad range of field organizations, the LAAF proved to be a useful reference framework and tool to carry out an in-depth analysis of legal issues of all types of crises-affected population, including IDPs, refugees, people in mixed movement and people belonging to minorities. The LAAF fostered coordination in the area of legal aid and access to justice among protection actors, between the Global Protection Cluster and Areas of Responsibility, as well as among humanitarian, development, human rights and peace actors at country and global levels. Field colleagues from partner agencies using the LAAF for analysis confirmed that the project strengthened engagement with donors as key interlocutors at country and regional levels, and served as a catalyst for new strategic alliances, amplifying the connections between projects, programmes and medium to long term strategies in this area. In transition and nexus contexts, the coordinated learning through the LAAF brought together international and local justice duty bearers and civil society actors, facilitating the identification of key interventions and strategic partnerships to strengthen existing national and local capacities and responses. the framework helped the identification of remaining legal aid needs and the transition of the existing legal aid space from humanitarian actors to national systems with the support of development and human rights actors.

3.2. What?

Conceptualise legal aid and access to justice programmes at the core of protection programming

Prioritize justice needs taking into account protection risks and inherent human rights violations

A legal aid and access to justice strategy should be embedded within the broader protection response to effectively identify, support, and reduce protection risks and human rights violations. Field colleagues emphasised that effectively identifying and addressing protection risks was linked to grounding robust strategies in a comprehensive understanding of the legal and access to justice landscape and needs that result from human rights violations. Understanding the legal landscape within protection analysis, for example through the Protection Analytical Framework (PAF), reveals how legal factors contribute to risks. Examining frameworks, mechanisms, and political dynamics shaping legal policies offers valuable insights for relevant interventions. Conversely, access to justice and legal aid are pivotal in identifying core factors contributing to protection risks, addressing a limitation within the existing protection analysis. The Legal Aid Analysis Framework (LAAF) serves as a central tool, facilitating the identification of specific aspects of the legal landscape requiring attention to mitigate, anticipate, or prevent protection risks.

Using a human rights approach helps re-defining legal aid and access to justice theory of change

Legal aid is crucial not only for accessing justice and resolving legal issues, but also for accessing humanitarian and development assistance, pursuing durable solutions and fostering positive change at individual, family and community levels. Legally empowered individuals and groups are better equipped to assert and claim their rights, have a voice in the development of their community and the territory/country they belong to/reside in, promoting inclusivity, accountability, and peace while preventing injustices. Additionally, these individuals can become 'grassroots legal advocates', offering guidance on accessing justice within their communities.¹⁹

A human rights-based approach to legal aid and justice programming enhances its effectiveness in several ways:

- Placing people affected by displacement and other human rights violations at the center of interventions, viewing them as agents of change and contributors to peace and reconciliation, rather than passive beneficiaries of legal aid provision.
- Conceiving humanitarian and development interventions in the sphere

¹⁹ IDLO, 'Navigating Complex Pathways to Justice: Community Paralegals and Customary and Informal Justice' (2021). Available at: https://www.idlo.int/sites/default/files/paralegals_and_cij_final.pdf



MEXICO. Legal aid activities (information sessions) at DRC's office in Tapachula ©Danish Refugee Council

of legal aid and access to justice as a means to support duty bearers' obligations to respect, protect, and fulfill human rights.

- Fostering seamless collaboration, eliminating the need to categorize interventions as solely humanitarian or developmental. It provides a common language that resonates across both spheres, enhancing coherence in interventions.
- Concrete evidence of human rights violations within a human rights approach can trigger political and diplomatic mechanisms, prompting action from governments, international organizations, and diplomatic bodies.

Define the added value of a legal aid and access to justice strategy by considering the legal aid dimensions of other sectoral humanitarian and development interventions.

To enhance the effectiveness of interventions, it is crucial for humanitarian, development, peace, and human rights actors to integrate legal aid dimensions into their sectoral priorities. This integration serves a dual purpose: firstly, ensuring that sectoral interventions (such as shelter, livelihood initiatives) align with the legal and policy framework of the crisis-affected country or territory (as part of good programming), and secondly, addressing justice issues faced by affected populations otherwise not reached by the protection intervention. For instance, alongside shelter interventions, it is essential to conduct an analysis of housing, land, and property (HLP) framework as well as of HLP rights (how they were impacted and how they could be safeguarded and/or restored), with potential legal aid support provided to affected people. Similarly, development interventions should involve the participation of forcibly displaced people supported by humanitarian actors in justice sector accountability mechanisms. In cases where gaps are identified, establishing accountability mechanisms within IDP or refugee settlements – and leveraging the existing leadership structures within those – becomes imperative. This integrated approach not only enhances the effectiveness of legal aid and justice interventions but also fosters cross-fertilisation among areas of work, multiplying their positive impact for affected people.

3.3. Who we work for and with?

Design legal aid and access to justice interventions in an inclusive and participatory manner

Legal aid and access to justice interventions should be designed with a comprehensive understanding of the diverse needs of crisis-affected populations, particularly those enduring human rights violations and forced displacement. Empowering affected individuals and communities as rights-holders, actively involving justice users in programme conceptualisation, and adopting holistic approaches that address inequality in all dimensions are essential components of effective legal aid programming. Additionally, promoting the participation of women in legal aid institutions can significantly enhance access to justice for other women, and contribute to the broader goal of achieving gender equality and upholding human rights.

Whole-of-population approaches: inclusive interventions

Individuals, families, and communities who have endured human rights violations, including forced displacement, have specific justice needs. When conceptualising a legal aid and access to justice intervention, it is crucial to identify the specific legal aid needs of crisis-affected populations, which may vary significantly and encompass different aspects of a person's life. It is essential to design interventions aimed at supporting the resolution of justice problems of both the crisis-affected population and the host community.

Forcibly displaced people often encounter specific challenges in accessing legal aid. However, displacement impacts not only those seeking safety and dignity but also those they leave behind and those welcoming them. Differential treatment between forcibly displaced and host populations can contribute to social tensions and division. Programme, policy and advocacy initiatives should be developed to address the needs of both groups. Area-based assessment and responses can be one of the means to achieve inclusive interventions. Understanding the existing capacities and responses to resolve justice problems for the entire population and gaining an in-depth overview of the bottlenecks encountered by all justice users are key components for high quality and effective legal aid programming. This approach will provide a better understanding of how the status or situation of displacement can further impact access to justice. The LAAF proved to be a useful reference framework and tool guidance to carry out whole of population learning exercises.

Participatory and meaningful programming

As mentioned above, advocating for a human rights-based approach when designing legal aid and justice interventions in crisis and displacement contexts entails empowering those affected by crisis and displacement as rights-holders. This empowerment enables them to contribute to shaping policies, programmes and projects that may affect their lives. Legal aid and access to justice experts highlighted the significance of involving justice users in the conceptualisation of legal aid interventions, particularly in transitional and post-conflict settings.

Individuals and groups in situation of compounded vulnerability require holistic approaches that address inequality in all its aspects.

Individuals and groups experiencing interconnected vulnerabilities, such as those linked to gender, age, disability, ethnicity, legal status, encounter unique challenges in accessing justice. Legal aid initiatives must therefore adopt holistic approaches that address inequality in all its dimensions, including social, cultural and legal discrimination, as well as capacity deficits and environmental barriers that hinder people from accessing justice. These approaches may involve directly engaging community members in the provision of legal aid services for their peers. Additionally, it often requires collaboration with customary and informal justice (CIJ) actors as well as a broad range of non-legal actors such as health professionals, psychologists, counselors, social welfare agencies, victim support workers. Collaboration between paralegals and key community actors, as well as social services and health care partners, is essential to provide more comprehensive “one-stop shop” services to specific victims.²⁰

Women participation can play a pivotal role in promoting access to justice for other women.

As emphasized in General recommendation No. 33 on women’s access to justice by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), women’s access to justice is vital for achieving gender equality and is considered “a fundamental element of the rule of law and good governance.” This access should be promoted through all avenues of justice, including plural justice systems.²¹ In line with this overarching objective, promoting the participation of women (both as affected people and as legal aid actors) in legal aid and access to justice programmes can play a pivotal role in enhancing the access of other women to justice.

²⁰ IDLO, ‘Navigating Complex Pathways to Justice: Community Paralegals and Customary and Informal Justice’ (2021) p. 14. Available at: https://www.idlo.int/sites/default/files/paralegals_and_cij_final.pdf. See also, 4 UNDP, ‘Legal Aid Service Provision, A Guide on Programming in Africa’ (2014), p. 4; and Global Rights, ‘Legal Empowerment in Under-Resourced Regions - Lessons Learned from Global Rights’ Community-Based Paralegal Services in Nigeria and Uganda’ (2011), p. 20, available at: https://namati.org/wp-content/uploads/2015/07/2011-12_Paralegal_LL_Nigeria-Uganda.pdf

²¹ UN Committee on the Elimination of Discrimination against Women, General recommendation No. 33 on women’s access to justice, (CEDAW/C/GC/33), 2015, para. 1 and 5.



3.4 How?

Choose the most adequate ways of implementing through a genuinely localized approach and use innovative ways of programming

In addition to those underlined in PART 2 related to partnership, coordination and access to hard-to-reach populations, this last section focuses on few learnings on ways to address legal aid needs in crisis settings. Contributions focused in particular on the need to ensure:

- ✓ A combination of program, advocacy, and policy initiatives
- ✓ A genuinely localized approach through strategic partnerships and effective coordination
- ✓ The use of technology and data for innovative and targeted interventions

Ownership of legal aid and access to justice interventions by national/local justice actors

Collaboration with national and local justice actors is essential for effective and sustainable interventions. When feasible and relevant, legal aid and justice interventions should be designed in partnership with national and local justice actors, including those from civil society, state, non-state actors, customary and informal justice systems, private sector and be aligned with national development and justice sector-specific plans, where appropriate. Very often legal aid actors (civil society, private sector, Bar association, ...) have been providing legal aid services before the crisis and will probably remain after the crisis is resolved. It is important to map existing capacities and responses of those actors and understand the nature, scope, coverage, quality of their legal aid services. Partnership should be conceived as a means to achieve protection outcomes. As underlined by many participants, a real exchange of knowledge with local legal aid actors can contribute to the creation of a cadre of human rights defenders who will contribute to disseminate knowledge about crisis affected people's rights and duty bearers' responsibilities. Legal aid and justice practitioners representing a diversity of crisis situations stressed how the LAAF proved to be a key tool to facilitate such dialogue.

Working with national or local customary and informal justice (CIJ) actors, systems and mechanisms

Legal aid and access to justice are commonly associated with legal and judicial processes and outcomes, but for many crisis-affected communities formal or statutory judicial processes are neither easily accessible nor available therefore they rely on customary and informal justice (CIJ) systems. Recognizing, understanding and strengthening CIJ can help depoliticizing access to justice programming and contribute to address intersectional inequalities associated with

race, gender, nationality, and social and economic status, which may have been underlying drivers of the crisis. Most participants underlined that the support to CIJ systems should be provided in line with international human rights standards, ensuring that those systems do not maintain or further deepen existing inequalities, discrimination, human rights violations.

Recognizing the importance of building multi-disciplinary legal aid teams with the key role of paralegals

Legal aid and justice interventions should be built around multi-disciplinary teams composed by qualified lawyers, paralegals, and social workers. The collaboration between these three specialties becomes even more important in crisis and displacement situations where access to justice may be limited. Paralegals offer fundamental advice and assistance to individuals who face obstacles in accessing legal representation, or struggle to navigate the justice system to protect their rights. Their primary objective is often to empower justice seekers to address their legal aid issues effectively and to create a bridge with qualified lawyers. In certain contexts, they also provide quasi- or complementary legal services such as mediation, conduct community legal education, or undertake advocacy work. A key advantage of community-based paralegals is their ability to establish trust-based relationships with the communities they serve, often being members of those communities themselves. They possess an intimate understanding of community power holdings and dynamics, making them accessible and approachable, and equipped to understand the underlying causes of disputes. Their flexibility and ability in navigating both formal and informal justice systems, often serving as intermediaries between them, together with their unique insights, enable them to devise practical, socially legitimate and enforceable solutions. Additionally, community paralegals typically cost-effective to engage and train justice seekers and their proximity to the communities they serve - geographically, culturally and economically – ensures greater accessibility and outreach.²²

Effective coordination by break silos: Nexus and responsibility to work together across development-peace-human rights actors

An effective humanitarian response is central to laying the groundwork for access to justice. Likewise, access to justice is key to bridging emergency response and sustainable development outcomes. As underlined above and as indicated in the learning stemming from the Legal Aid Analysis Framework (LAAF) toolkit implementation, in order to design relevant and sustainable legal aid strategies it is key to understand existing capacities and responses. This implies building upon existing programmes and efforts undertaken by humanitarian, development, peace and human rights actors and coordinating joint and/or collaborative initiatives. In transition contexts, humanitarian should focus on how to ensure legal aid needs of crisis affected population remain relevant to development programming. Conversely, it is of paramount importance for development actors to ensure vulnerability/marginalization assessments take into account crisis affected status and the inherent violations suffered during the crisis.

²² IDLO, 'Navigating Complex Pathways to Justice: Community Paralegals and Customary and Informal Justice' (2021) p. 10. Available at: https://www.idlo.int/sites/default/files/paralegals_and_cij_final.pdf.





UNHCR Mobile Clinic supports IDPs in accessing civil documentation and other legal services in Pemba, Cabo Delgado province, Mozambique. ©UNHCR

Strategic engagement with donors

Addressing the legal aid and justice needs of displaced people and host communities requires increased investment, particularly in light of funding shortages common in protracted displacement crises. Unfortunately, justice funding tends to be a low priority for donors, despite the high costs associated with injustice. In response to this evidence, donors in both the humanitarian and justice sectors should ensure their support is coherent, collaborative, and aligned with shared goals between the two sectors. Priority funding areas should include investment in data and evidence, legal services and support for displaced communities, and people-centered justice approaches.

Measurable impact – focus on more quality collection, analysis and use of data

It is critical to generate and most importantly to use people-centered legal aid and justice data and analysis. A comprehensive understanding of the legal aid and access to justice landscape and needs requires examining the legal, policy and institutional frameworks, alongside an analysis of data concerning justice problems and the capacity of the existing formal and informal justice system to address them. Additionally, interventions should consider individuals' and communities' experiences and their interactions with justice systems and actors. Data should focus on legal aid and justice needs and the ways in which crisis-affected people navigate and solve their justice problems. This includes their journeys seeking justice, which mechanisms they use and trust, their satisfaction levels

with outcomes, and barriers for not accessing any justice option. From a criminal justice perspective, practitioners underlined the importance of mapping pathways into the justice system - for example, criminalisation of statelessness, identity or gender and of understanding existing gaps of the state-funded legal aid model for criminal matters. Such data should constitute the baseline of a sustainable and measurable justice intervention, with an emphasis on outcome. Investments should be made in generating, analyzing, understanding and use data related to formal and customary and informal justice mechanisms: understanding their composition, operation, problem-solving capacities and usage by the entire population, including crisis affected segments, is key. Supporting national structures and mechanisms to produce and analyse and utilise data is crucial, particularly in capturing the needs of crisis affected population to ensure their inclusion in all humanitarian and development sectoral programming. Data collection should account for the inability of people in detention to participate in typical methods of data collection like surveys and focus groups. Special efforts should be made to include people in detention in all justice data collection efforts.

Digitalization of legal aid provision

Over the past decade, humanitarian and development actors have been digitalizing their services, modernizing their practices, and adopting innovative digital solutions to provide legal aid and to increase access to justice. Although advancement on digitalization is uneven across the globe, a key consensus emerged on the necessity of complementing in person interaction with remote counselling and awareness sessions to reduce reliance on paper-based provision of information, enhance efficiency and inclusivity, reduce security risks and limit costs (financial, psychological, etc.) for justice seekers. Digital solutions may allow information to reach those in need more quickly, involve less paperwork (sustainable and environment-friendly) and tend to be less time-consuming for both justice seekers and justice providers. Digital tools and platforms, including e-justice solutions, may also support duty bearers' accountability and transparency, through for example the timely publication of key jurisprudence. In some contexts, digital solutions were reported as being a unique way to help reaching those otherwise difficult to serve such as underserved communities living in territories characterized by active hostilities. Most participants stressed the need for protection of data and privacy when using digital solutions.



Global Protection Cluster

