

Setting up a network of community – based paralegals in Moldova

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Action Plan outline
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Note about the action plan

- *The action plan is based on a project proposal I have worked on with the Soros Foundation – Moldova (SFM), which was submitted to the Swedish International Development Cooperation Agency (Sida) by the SFM in March 2009. The action plan largely builds on that, with some amendments that I have included after the attachment period (largely relates to the relationship of the paralegals to the local authorities; the training scheme; involvement of lawyers and the development of another project to create an online version of the citizens' legal guide). The project duration is of three years, with clearly defined steps, 1st year is mainly concerned with the activities related to setting up and launching the pilot network.*

Project Goals and Objectives

Goal:

- Educate community members about their rights, motivate and empower them to claim the respect for their rights, hold local government authorities accountable and take initiative in solving their problems as they appear.

Objectives:

- Create a sustainable network of community-based paralegals in rural areas to provide legal information, basic legal advice and education to the members of their communities on problems which have legal connotation,
- Engage members of local communities in the pilot areas in solving individual and community-related problems as a means of increasing their interest and confidence in their own power for solving local problems,
- Develop policy recommendations for replicating community-based paralegals throughout the country as a means to empower poor rural communities to participate in the public life of the community, claiming the respect of their rights and adoption of decisions meant to improve the quality of their lives.

Sought outcomes and impact

Sought outcomes of the project:

- More engaged and self-reliant members of rural communities in the pilot areas;
- Reduced caseload of the courts, particularly reduced number of vexatious civil legal claims coming from the pilot areas;
- More open local public authorities, engaging community members in decision-making processes.

Long-term impact:

- Improvement of good governance in the country, by providing help to the local authorities in upholding the rule of law in their activity and reducing the conflicts between authorities and members of the community;
- Consolidation of the rule of law in the country, by creating better educated and legally aware communities, assertive of their rights and demanding appropriate conduct from public authorities,
- Reducing poverty in the rural communities by helping rural communities become more engaged and responsible in solving their own problems.

METHODOLOGY FOR IMPLEMENTING THE PROJECT:

- Project Implementing Partners:
 - Soros Foundation – Moldova
 - National Legal Aid Council (NLAC)
 - Ministry of Justice (MoJ)
 - Ministry for Social, Family and Child Protection (MSFCP)
 - 3-year project proposal submitted to the Swedish International Development Cooperation Agency (Sida) by Soros Foundation – Moldova in March 2009
- Who are the Paralegals?
- Training scheme
- What should a community-based paralegal do?
- Pilot areas and number of paralegals

Who are the paralegals?

- Criteria:
 - person's integrity and respect in the community,
 - minimum medium professional education,
 - spirit of initiative and leadership,
 - commitment of staying in the respective community for at least the following 5 years.
- Three models:
 1. Accreditation of social assistants as paralegals (the perspective of career development for the social assistants);
 2. Accreditation of the legal consultants of the local government authority (the perspective of career advancement qualifying as a paralegal);
 3. Accreditation as paralegals of law graduates interested in living in the rural areas (the possibility of qualifying as a lawyer after some time as paralegals might be considered at a later stage).

Paralegal training scheme

- Formal training sessions:
 - first two-week training session (with free weekends) before paralegals start working,
 - one-week training session every two months (5 training sessions altogether)
 - one final two-week training session with an overall review of the courses and an exam for receiving certificates (those that pass the exam). Altogether 9 weeks of training spread throughout 18 months.
- On-going training and supervision:
 - Monthly visits by lawyers' coordinators
 - Daily help by lawyers
 - Weekly briefing notes by lawyers

What should a community-based paralegal do?

- Educate community members about their rights,
- Provide advice on the basic questions the community members might have,
- Refer community members to lawyers when the problem is a complicated legal question that only a qualified professional can answer properly,
- Refer community members to appropriate institutions for a concrete problem,
- Help solve local conflicts through mediation and other means,
- Initiate and engage members of community in campaigns for advocating for issues pertinent to the entire community,
- Engage members of community in dialogue with the local authority, acting as a bridge between the local authority and the members of community (particularly in the context of the local authorities' obligations on transparency and involvement of local communities in decision-making process),
- Helping the community fundraise for particular projects,
- Provide legal support to the local government authority,
- Provide continuous information to the managing institution or partner on the problems faced by the community and propose pertinent solutions, where available.

Pilot areas and number of paralegals

- Center, South and North of Moldova, three types of communities:
 1. “Large” villages – where there are more than one social assistant/worker. Here there will be one paralegal per village;
 2. “Small” villages – where there is one or no social assistant/worker and a paralegal will be hired to match the half-time social assistant or instead of the missing social assistant/worker;
 3. “Small” townships (raion centers) and/or small villages, where the paralegals can serve 2-3 administrative units (township / villages).
- 25 paralegals selected, minimum 20 targeted for completing the program

Project results and outputs:

- Results of the three-year project:
 - A group of people with a common vision and a framework of reference for creating community-based paralegals in rural areas;
 - A set of policy recommendations for replicating the community-based paralegals developed;
 - Public educated about new opportunities in rural communities;
 - Political will endorsing the proposal and willingness to replicate the network to new areas of Moldova.
- Outputs:
 - Baseline assessment of the legal needs in the pilot areas,
 - Citizen's basic legal guide developed,
 - Methodological guide for paralegals developed,
 - 7 training sessions (9 weeks throughout 1,5 years) carried out: participants and trainers' positive evaluations of the methods and achieved goals,
 - Findings of the national research study on paths to justice in Moldova, comparison with the pilot areas,
 - Paralegal curriculum, training and accreditation / certification program for different types of community based paralegals developed,
 - Operational guidelines for community-based paralegals,
 - Budget estimates for replicating the network to other areas of Moldova and for country-wide replication and maintenance of the community-based paralegals.

Timeline of activities

- Quarter 1 – 4 (first year plan):
 - creating the project working group;
 - memorandums of cooperation with the authorities involved;
 - selecting the pilot communities;
 - writing the manuals;
 - collecting the baseline data; hiring the paralegals;
 - preparing the training scheme (curriculum, identification of the training partner).
- Quarter 5 – 10:
 - piloting the paralegals' work;
 - monitoring and supervision;
 - revising the manuals;
 - conducting training;
 - accrediting the paralegals that have met the requirements.
- quarter 11 – 12:
 - assessment of the project;
 - policy recommendations for replicating the network of paralegals;
 - lobbying for a budget line for paralegals (national or local budgets).

Project Evaluation and measurement of impact

- Baseline indicators:
 - Legal needs faced by the communities in the pilot areas – conduct a legal needs assessment to determine the “landscape” of problems faced by communities;
 - Caseload of the courts in the pilot areas – get the court statistics and conduct focus groups with judges in the pilot areas (this will also help promoting the project, involving the judges in referring the clients to the paralegals for mediation);
 - Local authorities’ views of the problems faced in the pilot areas’ communities and the level of engagement of the individual community members.
- *Note: evaluation and measurement are not well defined yet. I think at least 5 years are needed for being able to see any impact of the project. Any recommendations for measuring the project impact are very appreciated.*

Technical details

- Budget:
 - The total budget requested for 3 years (expect project management costs)
 - 675,000 USD (proposal submitted to Sida by the Soros Foundation - Moldova, expected result – end of September);
 - The project does not cover technical equipment for the paralegals and creation of the Citizens legal guide in online version
- Issues of priority to be explored with the Project Working Group:
 - Identifying the pilot areas and communities;
 - Conducting the legal needs assessment in the pilot areas before initiating the project;
 - Collecting the base-line indicators;
 - Identifying the training institution vis-à-vis the option of the NLAC or MSFCP overseeing the training;
 - Develop the accreditation procedure for paralegals (inclusion on the list of professions vis-à-vis a “professional grade/ level”).

Follow up to the 3 – year project

- Advocate for state to take over the network of community-based paralegals through the following:
 - Dedicate a budget line (national and/or local) for maintaining the community-based paralegals (salaries),
 - Dedicate a budget line in the legal aid budget for training, supervising and mentoring the community-based paralegals;
- Roll over the community-based paralegals to other areas – gradual roll over by areas, not at once to the entire country (fundraise for private and/or international donors in case the state is not ready yet to take over the entire network);
- Develop a sustainable mechanism for permanent assessment of community-paralegals' work in order to prevent them becoming “passive bureaucrats”.