

RUSSIA

Strengthening Access to Justice for the Poor

Empowering Vulnerable Groups through Improved Access to the Justice System

Despite Russia's strong economic growth, over 14% of its population - more than 20 million people, still live in poverty (Russia Economic Report, 2012). Single-parent families, the unemployed, pensioners, people with disabilities and rural dwellers, are especially vulnerable and can suffer violations of their legal rights due to lack of awareness and difficult access to the justice system.



"On one hand, our project is satisfying the public demand for (free legal) assistance and on the other hand it is helping the State find the best means of providing this assistance."

*- Dr. Vladimir Mazaev,
Legal Expert*

In rural communities, additional factors, such as geographic remoteness, limited access to information and the weakness of civil society organizations (CSOs), compound the challenge.

Despite recent legal reforms and the Russian authorities' efforts to provide free legal aid to the poor and vulnerable, the demand for access to justice (awareness and access to legal aid) have not been sufficiently addressed.

Furthermore, strict financial eligibility criteria for legal aid, as well as underfunded and insufficient legal centers, limit legal assistance, especially in civil cases and rural areas. In 2005, Russia established 10 *Legal State Bureaus* within the Ministry of Justice to provide legal aid for low-income citizens. High demand for these free services rapidly

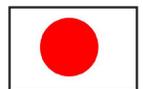
overwhelmed these Bureaus. In some cases, public defenders were not best placed to rigorously represent citizens against the State. Moreover, the justice system did not effectively address the needs of juvenile offenders which have high rates of recidivism and imprisonment.

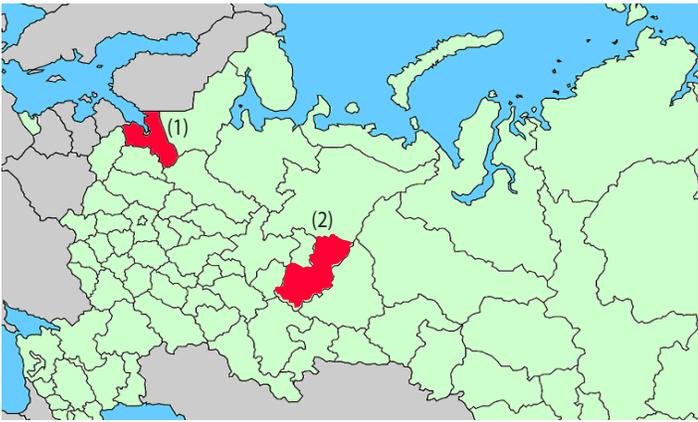
The Project

The Japan Social Development Fund (JSDF), administered by the World Bank, provided a grant of US\$1.98 million aimed at improving accessibility and accountability of the justice system in two of the poorest and most vulnerable regions in Russia, Leningradskaya Oblast and Perm Krai (Refer to map 1).

The JSDF grant helped shape Russia's legal aid policy, the Federal Law on the Legal Aid System (Law No. 324-FZ of 2011). Under this law, categories of cases eligible for free legal assistance have been expanded, and non-state actors may now deliver legal aid services.

Through this grant, a new collaborative





Map 1: Two of the most vulnerable regions in Russia: Leningradskaya Oblast (1) and Perm Krai (2)

initiative was launched between the local government, judges, social workers, sub-grants recipients, non-governmental organizations (NGOs) and community-based organizations (CBOs). These partnerships provided ground-breaking solutions in a newly-reformed justice system and in a Russia where civil society is still fragmented and getting slowly shaped.

The Institute of Law and Public Policy (ILPP), the implementing agency, is an autonomous Moscow-based NGO and a leading national organization advocating for legal reform. Along with the World Bank, ILPP supervised the implementation of sub-grants by two NGOs: Citizen's Watch (in Leningradskaya Oblast) and Perm Regional Human Rights Center (in Perm Krai).

This JSDF grant targets two aspects of equality:

- Broadening the opportunities for the poor to defend their rights through establishing two networks of legal aid centers (one in each participating region);
- Enabling the judges to consider the statutory characteristics of the poor in the justice administration.

The grant supported three components:



- **Strengthening Access to Justice for the Poorest and Most Vulnerable :** The grant helped identify vulnerable beneficiaries (such as: single-parent families, people with disabilities, the unemployed and victims of domestic violence) using a means-testing methodology. Rural-based project coordinators (one from each of the 10 districts) promoted the services offered under the grant, liaised with judicial authorities, and offered free legal consultations. The grant piloted two contrasting models of legal aid provision: in Leningradskaya Oblast, legal aid was delivered by attorneys whose work is regulated by the State (members of the Bar Association); while in Perm Krai the project engaged mediators that assisted the Justices of Peace (lawyers with a degree without admission to the bar). This model targets essentially a delivery of primary legal aid (consultations), because this service is demanded more often. The piloting of this model was an innovative initiative co-sponsored by a local NGO, the judiciary and the Ombudsman's¹ office. This tripartite partnership created synergy and improved the services. Activities under this component included providing target groups with small-grants, organizing local workshops, and giving basic information about legal rights and legal aid services.
- **Improving Courts' Treatment of Poor Litigants:** The grant developed a methodology designed to monitor the fairness of court proceedings involving litigants from low-income groups and trained NGOs, CBOs and journalists using the tool. Activities included case studies and interviews with the justice system users including litigants and practitioners, developing a manual based on court monitoring activities and holding consultations and dissemination seminars.
- **Building Local Capacity for Rehabilitation of Juvenile Offenders:** Juvenile courts did not exist in Russia, the project directed efforts towards assisting the court system in building a juvenile judiciary system. New methodologies were developed for socio-psychological evaluation and rehabilitation of juvenile offenders. Activities included training sessions and workshops for law enforcement agencies, courts, social service professionals and NGOs working with juvenile offenders.

Results

This JSDF grant is the Bank's first engagement in local capacity-building of legal and judicial service provision, requiring intensive interaction with numerous actors including: civil society and local

¹ Ombudsman is a person who acts as a trusted intermediary between either the state or an organization, and some internal or external constituency.

Box 3- Project Data

- Implementing Agency: Institute of Law and Public Policy (ILPP)
- Grant (TF056745) Amount: US\$1.98 million
- Implementation Period: June 2009- February 2013

executive administrations in the two regions.

By linking local advocates to the expertise of urban legal networks, this grant increased legal rights awareness at the grass-roots level. The results delivered under this JSDF grant demonstrate policy impact as well as strong collaboration between state and non-state actors. For most activities, the results exceeded targets:

- **Free Legal Aid improved:** The establishment of legal aid networks in Leningradskaya and Perm Krai (covering 10 districts) with different legal aid providers: lawyers and mediators, allowed the project to increase the number of beneficiaries reached. Since inception, this grant has provided free legal aid to more than 13,376 poor rural dwellers (which exceeded the grants' objectives of reaching 11,000) through 20 local legal aid centers. These centers provided consultation, administrative procedures support, and representation in court where permissible. (Refer to Case study-Box 4). Analysis of the data showed that beneficiaries in both regions fell mostly in the following categories: non-working pensioners (44%); poor



Box 4- Finding a path to justice- Mrs. Makusheva's story in Berezniki (Perm region)

"When I applied for the legal services of legal expert Yulia Kasatkina, I already had a lot of problems: I had lost my passport, I did not have a registration, I could not request the State's pension... although I was entitled to it. I also had a homeless status. I could not get medical services because I did not have a registration. Two months after having started working on these issues with Ms. Kasatkina, I got my passport, and in one month I got my pension. My homeless status was annulled. Greetings to all those, who have thought about the poor."

N. Makusheva,
a client of legal aid centre
in Berezniki

people (14%), and people with disabilities (21%).

- **Juvenile Rehabilitation:** Methodologies to support vocational and juvenile rehabilitation were developed, including seven training seminars presented to 222 professionals, and two international conferences. For example, the JSDF project increased capacity by building an inter-regional learning network for professionals and volunteers working on the rehabilitation of juvenile offenders, who lacked such knowledge-exchange opportunities before the project. Over 300 copies of the 12 manuals containing analytical material and research prepared under the grant were distributed. Over 448 cases related to juvenile offenders were tried by judges trained under the grant.
- **Communication and Public Awareness Campaigns:** An effective communication campaign was essential to get people in need of legal aid to get to the centers. The dissemination was performed through the NGOs' websites, target neighborhoods' leaflets, local television broadcasts, and local newspapers. A Campaign Manual and materials on both legal rights and free legal aid services were developed and distributed to the target groups and key stakeholders. To increase accessibility of centers, some of them were located in public places. In

Perm, for example, the project received wide support among authorities and some legal consultation points were located in district libraries which increased the number of beneficiaries reached in the region.

- **Judicial Monitoring:** The project developed criteria and methodologies for monitoring the fairness of court proceedings and trained 308 volunteers in court monitoring. For example, several NGOs adopted the monitoring methodology as part of civil society involvement to increase the accountability of courts. The grant activities included monitoring 1,600 hearings, and conducting over 800 interviews with Justice System users (litigants and practitioners) and 80 case studies. Focus groups were held and 46 Justices of the Peace were surveyed. This was followed by the preparation of a Manual based on the results of court monitoring activities, recommendations for improvement, and two seminars to promote



discussion. The recommendations made were taken into account by regional courts in their supervision of the lower courts.

- **Knowledge Sharing and Capacity Building:** Over 25 knowledge-sharing and training seminars on legal aid were conducted under the grant, with wide participation from legal aid offices and clinics, justice sector professionals, welfare service professionals and the media. Several publications were developed: five books about the research results on the Russian legal market, an Outreach Campaign Manual (300 copies) and 28 publications. A total of 10,000 copies were distributed among interested professionals and target groups.

Lessons Learned

Some of the lessons learned were:

- **Involving non-state actors has proven to strengthen the state's ability to provide legal assistance:** The involvement of selected non-state actors dramatically improved access to justice for the poor, specially in rural districts. For example, in Perm Krai, involving NGOs and moderators to assist the Justices of Peace in primary legal aid was an innovative feature and increased the number of clients.
- **Engaging civil society in monitoring arrangements creates a more transparent judicial system:** Supporting new methods of

"Anyone who comes to the center for advice learns how to defend their rights. My clients are people with disabilities, mothers with orphans, village dwellers- vulnerable people who come under the category of socially defenseless citizens."

Sergey Karakulov
- Legal adviser of the
Charnushka consultation point.

court monitoring contributed to increasing the justice system's fairness to poor litigants.

- **Creating synergy with the right NGOs builds on existing frameworks and increases impact and sustainability:** Relying on reputable local NGOs, the ILPP, Citizens Watch and Perm Regional Human Rights Center which have excellent track records, were key to targeting the most vulnerable groups and engaging all stakeholders. Keeping these relationships will ensure project sustainability.

Influencing Change

The Federal Law on Legal Aid System adopted by Russia in 2011 enhances the minimum qualitative standards for the provision of legal aid and extends the categories of cases eligible for free legal assistance. Human rights and non-profit organizations, university legal clinics and other non-governmental actors may now be part of the legal aid system. Furthermore, the new law allows each region a degree of flexibility in implementing the state level policies on free legal aid. The two models piloted under the JSDF grant can serve as examples for regions interested in designing their legal aid frameworks.

This JSDF grant has yielded some promising results for access to justice by addressing both the demand side (vulnerable groups, CSOs, CBOs, etc.) as well as the supply side (working with courts; judges and other parts of the judicial system); however, the sustainability of the legal aid networks depends on continued engagement from the partners in each region. Substantial work needs to be done on raising the qualifications of the Justices of Peace and in improving legal knowledge as a whole, both for the Justices and for the citizens.

The **Japan Social Development Fund** -- JSDF Good Practice Notes seek to share achievements, knowledge and lessons learned from the implementation of JSDF projects over the past decade. The JSDF is a partnership between the Government of Japan and the World Bank to support innovative social programs that directly meet the needs of the poorest and most vulnerable groups in developing countries. JSDF projects meet four basic requirements: Innovative, introducing new approaches to development; Responsive to the needy, by directly meeting the needs of vulnerable, marginalized, and disadvantaged groups; Rapid response activities that deliver short-term results and benefits to targeted beneficiaries; and Community capacity building activities that empower local governments, NGOs, and disenfranchised groups, while promoting stakeholders participation and ownership.