

**A HANDBOOK ON
TRAINING PARALEGALS**

**Report of a Seminar
on training of paralegals**

TagaTay City-Philippines,
5-9 December 1988.

Edited by D. J. Ravindran

INTERNATIONAL COMMISSION OF JURISTS

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PREFACE

The International Commission of Jurists (ICJ) has been promoting a series of seminars in Asia, Africa and Latin America on the provision of legal services in rural areas, where the great majority of the population live. The purpose is to discuss how the rural poor can be provided with the basic legal services which more affluent people enjoy. These seminars are a means to persuade practicing lawyers, law teachers and law students to inform grass-roots development organisations on the way in which law can be used as a resource to help the rural poor.

One of the conclusions of these seminars is that the most effective way to achieve this is to train 'paralegals' who will live and work with the rural folk at village level, educate them about their rights, give them the necessary assistance to secure them and if there is no other solution, to contact a lawyer in the town to take proceedings on their behalf. Paralegals will often be law students or young lawyers, but others may be members of grass-roots development organisations who will do this work part-time. In any event, para-legals are likely to be more effective if they work in cooperation with these development organisations.

The ICJ South-East Asian seminar held in Jakarta in January 1987 and the South Asian seminar held in Rajpipla in December 1987 on the subject of legal services for the rural poor discussed inter alia the training and the role of paralegals. Inspired by a number of Asian organisations which are training and deploying paralegals, the ICJ decided to organise an Asian Seminar with a view to preparing a handbook on the Training

of Paralegals. The seminar was organised jointly with the Center for People's Law (BATAS) which is engaged in providing legal services and training paralegals in the Philippines. The participants who came from Bangladesh, India, Indonesia, Malaysia, Philippines, Pakistan, Sri Lanka and Thailand included lawyers, law teachers and students and representatives of grass-roots development organisations who had experience in providing legal services and/or training paralegals.

The purpose of the seminar was to prepare a handbook on the training of paralegals so as to help new groups to train paralegals and engage them in their legal services programmes. The seminar also provided a forum for groups involved in the training of paralegals to share the different methods of training they had used, to identify the role and limitations of paralegals and to identify problems and obstacles they had encountered.

The ICJ is glad to publish this Handbook on Training Paralegals which deals with the basic concepts concerning paralegals and makes suggestions as to how to plan and conduct training programmes. We hope that the handbook will be of practical use to groups in Asia as well as in Africa and Latin America.

The International Commission of Jurists wish to express its gratitude to the following organisations whose generous financial contributions made possible the holding of this seminar and the publication of the handbook:

Canadian International Development Agency (CIDA), EKD (Diakonisches Werk) Germany, The Ford Foundation (Manila Office), The Netherlands Ministry for Development Cooperation and the Swedish International Development Authority (SIDA).

Niall MacDermot
Secretary-General, ICJ

1. WHAT IS A PARALEGAL WORKER?

A paralegal worker is a person with basic knowledge of law and procedures with motivation, attitude and skills to:

- conduct education programmes to enable disadvantaged people to become aware of their rights;
- facilitate the creation of a people's organisation to enable them to demand their rights;
- assist in securing mediation and reconciliation in matters in dispute;
- conduct preliminary investigation in cases which have to be referred to a lawyer; and
- assist the lawyer with written statements, required evidence and other relevant information necessary for dealing with such a case.

In South and South-East Asia, the groups which are engaging paralegals in their legal services programmes have trained the following persons as paralegals:

Community leaders, rural youth, social workers, representatives of specific disadvantaged groups such as tribals, trade union leaders, health workers, literacy teachers, religious workers, young lawyers, law students, student volunteers doing community work, development workers and political activists.

Of those trained as paralegal workers there may be some whose primary or sole function is to provide legal services to a disadvantaged group or community and there may be others who may function part-time as paralegals in addition to carrying out their normal activity (e.g. literacy or health work).

In some cases those who are trained as paralegals are not associated with any particular agency or organisation and they function on their own and render their services when their assistance is sought by a community or by individuals in the community.

There are also persons who are trained as paralegals to deal with a particular situation, for example a person could be trained to assist a community seeking help following a natural calamity. Similarly, a representative of a refugee group could be trained to deal with the problems faced by that group.

In general, the experience of groups has been that it is far better for a paralegal to be associated with an organisation (either as a paid worker or as a volunteer), so as to receive support to sustain his work as a paralegal.

It is recommended that development agencies providing services such as health or education to disadvantaged groups should integrate legal services in their programmes. They could train their existing staff (health, literacy workers) as paralegals, or create separate staff to provide legal services by training them exclusively as paralegals.

This handbook is prepared for paralegals who will be linked to or working with an organisation and who will be helping a particular community or disadvantaged group.

II. ROLES OF PARALEGAL WORKERS

The following are some of the functions for which a paralegal worker should be trained:

Facilitating formation of a people's organisation:

Enabling people to organise themselves around specific issues as well as help them form their own organisations. In addition, a paralegal will organise meetings, cultural programmes and other events that will enable people to strengthen their solidarity and contribute to the formation of their own organisations.

Education and Conscientisation:

Creating awareness among the people about their rights as well as imparting information on specific laws of concern to them. In some instances this may involve giving information on specific development and welfare programmes initiated by the government and how to participate in them.

Social analysis:

This is to help the paralegal as well as the people to understand the structural nature of the problems faced by the people, and thus enable them to find long term solutions for them.

Advocacy:

Paralegals with the help of lawyers and others, bring to the attention of policy makers problems faced by the disadvantaged groups with whom they are working. In specific instances this may take the form of representing the case of the community or of an individual before officials, tribunals and quasi judicial forums.

Counselling, mediation and conciliation:

Paralegals should be trained to provide legal and other advice as well as to mediate and conciliate in disputes that arise between members of the community. As conciliators they encourage the members of the community to negotiate and settle their disputes among themselves.

Legal first aid:

The role of a paralegal here is to provide immediate or preliminary solutions in emergency situations. For example in the case of an eviction from a squatter settlement, obtaining injunctions temporarily prevent their eviction.

Networking:

This consists of establishing links with other organisations and groups as well as with individuals (journalists, researchers etc.) in order to generate support for the problems faced by the community to which the paralegal is providing assistance.

Enabling people to represent their demands:

This involves, when necessary, mobilising the people for mass actions or protests so as to represent (negotiate/dialogue) their demands with concerned authorities.

Documentation:

This will include keeping a chronicle of important events that take place in the community as well as a record of activities undertaken by the paralegal. Paralegals should also maintain files concerning cases that are litigated and copies of official documents that are relevant to the community. They may also need to keep financial accounts related to their work.

Drafting documents:

This involves helping the people to write applications, complaints, affidavits, petitions and other legal documents. In cases where official documents need to be translated into a local language, translating them (with the help of lawyer if necessary) and getting them authenticated.

Assisting the lawyer:

Where cases are to be referred to a lawyer, the paralegal worker may have to assist the lawyer by conducting preliminary investigations, interviewing clients, gathering evidence and preparing a summary of facts, and conducting legal research and even drafting simple pleadings.

In addition to the functions enumerated above, paralegals working with specific disadvantaged groups may need to perform some special tasks in relation to that group. For example, paralegals working with women would have to design programmes that take into account problems faced by women. Similarly, paralegals working with indigenous or tribal populations would have to deal with their specific problems.

III. QUALIFICATIONS AND QUALITIES OR ATTITUDES REQUIRED OF PARALEGALS

Qualifications :

Lack of formal educational qualifications should not prevent a person from being trained as a paralegal. The experience of several groups has shown that members of disadvantaged groups who have been trained as paralegals, but who didn't possess literacy skills have functioned successfully as paralegals. However, a paralegal worker should be open to self learning (including acquiring skills to read and write) so as to become more effective in his/her work.

Some suggested qualities or attitudes for paralegals are;

- Trust and patience with the people by listening to them.
- An objective and analytical mind, so as to understand the problems faced by the people and devise suitable solutions jointly with them.
- Creativity to fashion different ways by which laws could be used for helping the people.
- Self-criticism and the ability to analyse the shortcomings of their work.
- Self-reliance so as to take initiatives to help the people and not totally depend on lawyers or the organisation they belong to.
- Respect for peoples initiatives to facilitate their self-reliance and, in accordance with a democratic decision making process, to consult the people before taking decisions.
- Self confidence to establish links and relate with different sections of the society, such as the confidence to deal with police officials, researchers, journalists etc.

- ❑ Capacity to make risk analysis and not endanger their security nor that of the people they work with.
- ❑ Ability to foresee potential problems or issues in the community with which they work and deal with them instead of waiting for problems to emerge.
- ❑ Ability and self-confidence to discuss with the people both the positive and negative consequences of a particular action. For example, when the community decides to engage in collective action in the form of protests, demonstrations, etc., the paralegal should explain to the people the possible consequences of such an action.
- ❑ Realistic estimation of their capabilities and not acting beyond their abilities. For example, while dealing with group conflicts that may arise in the community, the paralegal should not hesitate to seek outside help, if necessary.
- ❑ Ability to render proper advice and not raise the expectations of the people by promising results that may not be feasible, given the nature of the problem.
- ❑ Discretion and not jeopardizing the interest of the community.
- ❑ Not misusing their role to promote self serving interests.
- ❑ Adopting a style and mannerism familiar to the people and avoiding the style of a conventional lawyer.
- ❑ Upholding basic human rights principles and not condoning human right violations, even in situations where the entire community the paralegal works with violates certain principles (e.g. discrimination against minorities). Ability to generate internal and external support to oppose such violations.

- ❑ Not contributing to or strengthening existing patterns of discrimination (e.g. discrimination against women), and if a particular law itself is discriminatory, creating awareness among the people to challenge the law by referring to internationally established human rights principles.

- ❑ Respect for the people's knowledge and positive traditions and not upsetting the positive attributes of the local culture in the process of introducing legal principles.

The qualities or attitudes enumerated above are also relevant to the members of the organisation that engages the paralegal and also for the lawyers who assist paralegal workers.

IV. SKILLS AND KNOWLEDGE REQUIRED OF A PARALEGAL WORKER

Some of the skills and knowledge a paralegal worker should possess or develop are as follows:

SKILLS

Ability to work with people:

A paralegal should be able to relate and work with the people so as to develop solidarity among them and increase their participation in the programmes conducted by the paralegal.

Communication skills:

Paralegals should develop the skills necessary to express their thoughts clearly and explain laws and legal procedures in a language and manner in which people can understand them. Paralegals should also be able to prepare and use innovative and non-traditional methods of communications such as drama, dance, songs, puppets etc.

Writing and drafting skills:

A paralegal worker should possess or develop the skill to write down thoughts clearly and coherently for documentation and reporting purposes, as well as to draft petitions, applications, pleadings etc. In places where handwritten petitions and applications are acceptable (as in India), neat, legible hand writing would be an advantage. The drafting skills also include obtaining statements from potential parties and witnesses in cases to be taken to court.

Development of educational materials:

A paralegal worker should be able to prepare the necessary learning and teaching aids for use in education programmes.

Ability to conduct research :

A paralegal worker should possess or develop skills to do research, including the collection and analysis of information (use of surveys, questionnaires, etc.)

Ability to render advice or counselling :

A paralegal worker should be able to provide proper advice or counselling so as to enable the community or an individual in the community to decide on a proper course of action to deal with a problem.

Negotiating skills :

Paralegals may be called upon to negotiate with the authorities and others to settle problems faced by the community, and they should possess or develop the skills to negotiate successfully.

Evaluating skills :

Paralegals should be able to evaluate their performance critically as well as that of the people so as to enhance the impact of the programme.

KNOWLEDGE

In addition to the knowledge required to develop the skills enumerated above, a paralegal should have minimum knowledge of the political and legal system (including an indigenous legal system). A paralegal may also need to know the various judicial and quasi judicial forums that exist so as to seek legal remedies for problems faced by the community and by individual members of a community.

(The knowledge required is elaborated more fully in the section dealing with curriculum for paralegal training programmes')

V. LEGAL PROFESSION AND PARALEGALS

The experience of groups who have engaged paralegals in their programmes has shown that not only government officials but even lawyers can be antagonistic to the paralegals. Such antagonism should be removed by creating awareness among the public and in particular among the legal profession that paralegals are essential to create access to justice for the disadvantaged groups in the society.

Lawyers sometimes fear that paralegals will deprive them of clients. On the contrary paralegals will, where needed, bring cases to the lawyer which would otherwise go by default.

Bar Associations should sensitize the legal community to recognize the role of paralegals and motivate the members of the legal profession to train and assist them.

To prevent a paralegal becoming a tout by bringing cases to a particular lawyer or lawyers, the paralegal should not approach a lawyer on his/her own except in cases requiring urgent relief (e.g. bail, injunction).

The organisation which is engaging the paralegal should maintain a panel of lawyers to whom the cases could be assigned.

Members of the legal profession should not misuse the services of a paralegal by soliciting clients through a paralegal.

When a case is entrusted to a lawyer through the sponsoring organisation, the paralegal should be constantly in touch with the lawyer to provide the necessary assistance. It is essential that the client is present at all times when the case is discussed with the lawyer.

The lawyer concerned, after jointly discussing the case with the paralegal and the client, should explain to them the strategy to be adopted and the possible consequences thereof.

The lawyer who has taken up a case or who is providing assistance to a paralegal to deal with a case, should respect the knowledge and experience of the paralegal.

VI. FORMAL AND CUSTOMARY LAW AND ALTERNATIVE MEANS OF DISPUTE SETTLEMENT

A Paralegal while working with a community may come across the use of customary law and alternative means of dispute settlement among the community and in certain instances it may be expedient for the paralegal to make use of such indigenous systems to deal with the problems of the community.

The use of such customary law and alternative dispute settlement procedures would also increase the self-reliance of the community and their ability to make collective decisions.

However, a paralegal should be able to differentiate between those indigenous systems that violate established human rights norms from those that promote human rights.

A paralegal while choosing indigenous systems to settle disputes should assess whether a remedy from the formal legal system would be better than that of the indigenous system. Expeditious and non expensive means of settling disputes should not compromise the principles of justice.

The paralegal, in collaboration with the legal profession and others, should strive for official recognition of indigenous systems that do not violate established human rights principles. For example, in the Philippines Presidential Decree No. 1508 (Katarunggang Pambarangay Law), settlement of barangay (village) level disputes are recognised among family and barangay members. In Thailand, the government recognises the village level mediators, who are village heads or local leaders, and the Public Prosecutor's office provides them with training to enhance their skills. Similarly, in India, the Legal Services Authorities Act of 1987, recognises the Lok Adalat or people's court to settle civil cases pending in courts by enabling the parties to come to a consensus agreement.

VII. EVALUATION TO STRENGTHEN THE WORK OF A PARALEGAL

Evaluation is essential to assess the overall strength and weakness of a legal services programme as well as that of a paralegal.

Evaluating and monitoring the work of paralegals should not be done in such a manner as to undermine the confidence of the paralegal.

During the evaluation, while taking into consideration the adverse criticisms made by members of the community on the work of the paralegal, the concerned organisation should analyse the reasons for such criticisms including whether or not they emanate from groups with vested interests.

Paralegals should be involved in the monitoring and evaluation of their work. Hence, the evaluation should be participatory in nature.

Participatory evaluation means:

- building on what the paralegals already know and do;
- using and developing the paralegals' abilities and skills to monitor and evaluate their own progress;
- helping the paralegals to see whether their activities are having an impact on programme objectives;
- examining whether human and material resources are being used efficiently, effectively and at a cost which the programme can afford;
- enabling the paralegals to study their own methods of organisation and management;
- providing good information for making decisions about planning and programme direction;
- indicating where more detailed information is needed and how it can be obtained; and

- increasing the sense of collective responsibility for programme activities.

Steps in participatory evaluation:

1. Deciding to evaluate.
2. Choosing evaluation goals and methods.
3. Deciding who will take part, how and when, making a detailed plan.
4. Collecting materials and resources.
5. Beginning the evaluation.
6. Using the evaluation methods chosen such as questionnaires, surveys, studying records etc.
7. Studying the facts, figures and information collected during the evaluation.
8. Reaching conclusions, writing them down, studying them and preparing the report.
9. Making recommendations for the improvement of the work of a paralegal.
10. Deciding how to improve monitoring and when to evaluate again.

INDICATORS :

In making an evaluation it will be useful to establish indicators which will show progress and help to measure change. Some of the indicators could be based on the information concerning the community collected prior to the implementation of the training programme.

The following are some of the indicators that could be considered for evaluating the work of a paralegal:

Indicators of relevance:

Assessment of the relevance of any advice given or action taken by paralegals while dealing with the problems faced by the community, and of the damage arising from wrong.

The following points could be helpful for assessing the relevance:

- Whether the advice or action was;
 - affecting many people?
 - affecting a few but seriously?
- How many members affected belong to the most disadvantaged section?
- How serious/urgent was the problem dealt with?
- Was it within the scope of legal action?; and
- How manageable was the problem?

Indicators of quality:

To assess any negative impact due to negligence and wrong actions committed by the paralegal, including whether the paralegal has contributed to or increased the existing tension in the community, and whether dependency on him/her has increased. Indicators of quality may also be used to assess whether the paralegal relies too much on the lawyer, and if his/her position as a paralegal is misused to advance self interest.

Indicators of initiative and effort:

Such indicators can be used to assess whether paralegals have:

- used new methods to resolve conflicts in the community;
- transferred knowledge and skills to the community;
- established links with individuals and groups external to the community they are working with;
- provided proper assistance to the lawyer; and
- dealt with emergency situations effectively.

Indicators of impact:

To assess whether:

- there was an increased awareness/consciousness of the people about their rights and their ability to use law as a resource to deal with their problems;
- peoples organisations were established or strengthened;
- entitlements such as basic amenities needed by the community were secured;
- the paralegal has increased support for his activities from the members of the community; and
- the ability of the community to analyse their problems and act on them has increased.

Methods:

The choice of a method for carrying out an evaluation will be influenced by the capabilities of the people involved, and by how much time and resources are available for evaluation:

The following are some of the methods that are commonly used in evaluations,

- written questionnaires;
- informal oral interviews;
- group discussions;
- observations;
- surveys; and
- case studies.

VIII. HOW TO PLAN A PARALEGAL TRAINING PROGRAMME

A paralegal training programme should be participatory in nature and the difference between a conventional training programme and a participatory training programme could be explained in the following manner:

CONVENTIONAL TRAINING

Paralegal seen as quasi lawyer :

Law and legal services are seen as a tool to help individuals;

Methods used for training are conventional and do not take into account the paralegal's experience and knowledge;

Mere transfer of limited knowledge and skills;

PARTICIPATORY TRAINING

Paralegal seen as an organiser who uses law when needed :

Law and legal services are seen as a resource for people;

Creative and participatory methods are used and take into account the paralegals' knowledge and experience;

Generating wide ranging skills and knowledge to enable the paralegal to be an organiser, educator, social-analyst and facilitator of peoples' initiative and participation.

In a participatory training programme:

The trainer or co-ordinator creates an environment in which thinking, creative and active participants can learn from each other. Their shared experiences are analysed and become part of the material upon which training and education is based, so that the curriculum is decided jointly with the trainees.

For example, if a trainer wants to reinforce the importance of co-operation and collaboration as an organising strategy, under the traditional training method, the trainer would probably lecture the trainees about the importance of co-operation and collaboration and then would have them read theoretical material about organising. In a participatory training programme, the trainer might use a structured training activity that dramatizes the importance of co-operation and creates an environment in which the participants experience the benefits of co-operation and collaboration. Alternatively, the trainer may present a case study of a group which is confronted with problems because of lack of co-operation, and then have trainees analyse and relate what happened in the case study in the light of their own experiences.

PREPARATION

In order to prepare for a training programme it may be helpful to plan what is to be done, where, when and how often it will be done; who will take part and in what capacity; what materials, equipment, resources will be required; and who has the responsibility for accomplishing different tasks.

TIME PLANNING

Time planning is essential for the preparation of a training programme. Sufficient time should be allotted for preparation of teaching materials, sending out invitations, contacting resource persons and arranging the venue, board and lodging etc.

The total duration of a training programme as well the duration of particular sessions should be determined according to the following;

- Objectives and the curriculum of the proposed training programme;
- Venue;
- Availability of finances;

- ❑ Time constraints of trainees; and
- ❑ Other constraints such as harvest time, religious festivals, weather conditions.

LOGISTICS AND PREPARATION OF TEACHING MATERIALS

The organisers of a training programme should arrange for a suitable venue, board and lodging, transportation, secretarial assistance and the required finances. Furthermore, the teaching and learning materials need to be prepared and if possible circulated in advance to the participants.

It may be useful to provide the trainees with a 'training kit' containing at least the following :

- ❑ Copies of papers to be delivered :
- ❑ Selected background reading material including laws and bibliography ;
- ❑ Model affidavits, survey forms, questionnaires; and
- ❑ Model posters, pamphlets etc.

BACKGROUND INFORMATION TO BE COLLECTED PRIOR TO A TRAINING PROGRAMME

The curriculum of a training programme should be based on the background information about the trainees and the communities where they would be working.

Basic information to be collected concerning the trainees :

- age and sex ;
- educational qualifications or literacy level ;
- cultural background, religion, attitudes etc;
- previous experience in working with communities and other experiences ;
- reasons for becoming a paralegal; and

- the relation between the paralegal and the community he/she intends to work with i.e. does the paralegal belong to the community or has he/she worked in a different capacity previously with the community.

Basic information to be collected concerning the community with which the paralegal proposes to work:

- basic socio-economic data including population figures, occupational groups, educational status, caste, class divisions, leadership patterns etc.;
- culture, religion and traditional beliefs of the community;
- some of the problems and issues faced by the community and whether they are already being dealt with by the community;
- existence of peoples organisations;
- governmental or non-governmental organisations already working in the community; and
- experience of the community with regard to the legal system.

HOW TO PLAN THE CURRICULUM OF A TRAINING PROGRAMME

While preparing the curriculum of a training programme, a trainer should concentrate on the essential facts, skills and attitudes that will be imparted to a trainee. It is not desirable or possible to teach everything in one programme.

The curriculum should be based on the real problems faced by the community with which the paralegal is to work. The background information collected about the community prior to the training programme should be used while planning the curriculum.

Based on the background information about the community, the work of a paralegal is expected to do should be determined

jointly with the paralegal and listed as the tasks that the paralegal will undertake in the community.

According to the tasks a paralegal is requested to fulfill, a list should be made of knowledge, skills and attitudes which a paralegal will need to apply when doing the tasks.

Knowledge is simply what the paralegal should know. For example scope of a particular law, facts concerning a particular event etc.

Skills are more difficult to define. They include ability to deal with equipment, to communicate, to negotiate, and to evaluate facts and make decisions.

Attitudes are the beliefs or value system of a paralegal, such as the respect he/she has for the experience or knowledge of the people with whom the paralegal works with. This is elaborated in the section dealing with qualities and attitudes required of paralegals.

The objectives of a training programme is to enable the trainee to acquire the required knowledge, skills and attitudes. The objectives are organised into courses or lessons and become the curriculum of the training programme. The curriculum also includes the details of the general teaching methods which will be used (lectures, group discussions etc.), and the timetable i.e. how much time will be spent on each part of the course.

IX. TYPES OF PARALEGAL TRAINING PROGRAMMES

Basic paralegal training programme:

The purpose of this training programme is to provide the essential knowledge and skills required for all paralegals irrespective of their areas of work.

Training programme to prepare the paralegal to work with a particular community, group or sector:

The purpose of this training is to provide additional knowledge and skills required for a paralegal to work with a particular disadvantaged community or group. This will be conducted following the basic paralegal training programme.

Advanced paralegal training programme:

This is part of the refresher/follow-up to the 'basic training programme' and the purpose is to strengthen the knowledge, skills and attitude of a paralegal.

Training programme to develop trainers:.

Once paralegals gain experience, they may be provided with the knowledge and skills necessary to become trainers. They can then assist in training new paralegals including the members of the community with which they work.

X. SUGGESTED CURRICULUM FOR A BASIC PARALEGAL TRAINING PROGRAMME

KNOWLEDGE TO BE PROVIDED :

- philosophy of using law as a resource for people;
- international human rights standards;
- constitutional rights;
- classification and hierarchy of laws in existence. For example, the difference between constitutional law and statutory law;
- basic structure of the state i.e. the separation of powers between the legislature, executive and the judiciary;
- the procedures involved in enacting laws;
- basic knowledge of civil and criminal procedure, including available legal remedies and the respective forums to seek those remedies;
- practical tips on arrest, bail, search and seizure;
- knowledge of laws and procedures governing the establishment of peoples organisations, cooperatives, trade unions etc.; and
- basic knowledge of special laws concerning environment protection, consumer protection and other similar laws.

SKILLS TO BE PROVIDED :

- Skills to undertake structural analysis of the society and the community in which the paralegal is working. This will include reading and understanding articles on the socio-economic situation of the country as well as undertaking surveys in the local community in which the paralegal is working;

- Skills required in conducting preliminary investigation, evidence gathering and interviewing;
- Skills needed in negotiating, bargaining and dispute settlement;
- Basic drafting and documentation skills;
- Communication skills including innovative methods of communication; and
- Skills needed to organise and facilitate formation of peoples organisations.

The qualities or attitudes to be imparted will be the same as those enumerated previously.

XI. SUGGESTED CURRICULUM FOR EQUIPPING PARALEGALS TO WORK WITH SPECIFIC DISADVANTAGED GROUPS

Only the knowledge to be provided is suggested, since the skills would be the same as those provided under the 'Basic Training Programme'. Similarly, the qualities or attitudes to be inculcated would be the same as those previously enumerated.

PARALEGALS WORKING WITH PEASANTS

Knowledge to be provided:

- Structural analysis to situate the peasants in the socio-economic, political reality of the country;
- An overview of laws concerning land ownership, classification (public land, private land, forest land etc.) and history of laws on this subject;
- Agrarian reform laws, regulations and procedures;
- Laws relating to tenancy rights;
- Laws concerning plantations;
- Laws concerning public domain including laws on forests;
- Laws concerning possession of land, eviction of persons who are in possession of land and remedies to prevent forcible eviction;
- Laws relating to entitlement to credit, and subsidies for seeds, fertilizers etc.;
- Laws concerning prevention of forced labour, including bondage arising out of indebtedness;
- Welfare laws particularly applicable to the peasants; and

- International Conventions and Declarations concerning the peasants and in particular the I.L.O. Convention 141 on Organisation of Rural Workers and Recommendation 149 on Organisation of Rural Workers.

PARALEGALS WORKING WITH INDIGENOUS/TRIBAL COMMUNITIES

Knowledge to be provided:

- Structural analysis to situate the indigenous/tribal communities in the socio-economic and political reality of the country;
- Constitutional guarantees if any for indigenous/tribal communities;
- Laws concerning land tenure, ownership, possession, tenancy etc. as applicable to this group;
- Laws concerning forests including the rights of indigenous/tribal communities over their traditional forest dwellings;
- Customary laws and traditional concepts concerning rights and obligations;
- Traditional dispute settlement methods that exist in the community;
- welfare laws enacted specially for indigenous and tribal communities; and
- International Conventions and Declarations concerning the indigenous and tribal populations. For example, I.L.O Convention 107 on Indigenous and Tribal Populations.

PARALEGALS WORKING WITH WOMEN

Knowledge to be provided:

- Socio-economic and political analysis of the status of women in the given society;

- Constitutional guarantees if any provided for women;
- Family law concerning women including aspects dealing with marriage and dissolution of marriage, alimony and maintenance;
- Laws concerning adoption and guardianship of children;
- Laws concerning paternity and rights of widows and unwed mothers;
- Laws concerning inheritance and women's right to property;
- Labour laws applicable to women workers;
- Laws prohibiting offences against women such as sexual violence and trafficking;
- Special judicial or quasi judicial forums that may exist to deal with cases concerning women (e.g. family courts);
- The role of women's organisations and the evolution of the rights of women; and
- International Conventions concerning women's rights.

(The above subjects should be suitably modified to cater for urban or rural women as the case may be).

PARALEGALS WORKING WITH LABOURERS

Knowledge to be provided :

- Socio-political situation of labourers in the country;
- Laws concerning employment, termination, security of tenure, working hours, overtime benefits, and retirement benefits;
- Laws concerning minimum wages;
- Laws concerning occupational health, safety, working conditions and accident insurance/benefits;

- Laws concerning the right to strike and collective bargaining;
- Rights and role of trade unions; and
- The relevant I.L.O Conventions.

PARALEGALS WORKING WITH URBAN POOR

Knowledge to be provided :

- Socio-economic and political situation of the urban poor in a given country;
- Laws concerning urban land reform;
- Laws concerning town planning;
- Role and responsibilities of local government bodies, e.g. municipal and town councils;
- Laws concerning possession, ownership, tenancy, eviction and procedures concerning injunctions;
- Laws and procedures concerning eviction or demolition of settlements and relocation or resettlement as far as they are of concern to slum dwellers or squatters; and
- Welfare and other laws concerning the urban poor and, where urban communities lack civic amenities, the methods to provide for such amenities.

(The disadvantaged groups identified above are just examples and it is for the concerned organisations to develop, in consultation with the paralegals, the curriculum for other disadvantaged groups).

XII. TRAINING METHODS

Methods used in a training programme should facilitate participation and creativity of the trainees, should not be too alien to the trainees, should take into account the knowledge, experience and cultural background of the trainees and should be flexible enough to be adapted for use in training different levels of trainees.

Brief description of methods that are commonly used in training programmes:

LECTURE:

This is a most common method used for sharing knowledge and facts. To ensure continued interest in a lecture, it should not be too long and, as far as possible, visual aids should be used for presenting some of the complicated aspects of a lecture. Time should be allotted for discussion following a lecture so that the trainees may have an opportunity to clarify their doubts as well as present their views. It would be useful to circulate in advance (either in full or a summary) the lecture to be delivered.

SONGS, STORIES, PLAYS AND THE USE OF PUPPETS:

These methods are generally used for generating interest among the trainees in a particular topic and to facilitate their active participation in the discussions. The use of these methods introduces them to the trainees, and prepares them for adopting such methods in communities with which they work.

CASE STUDIES:

A case study is a detailed description of an actual or hypothetical event or situation presented to the trainees. They then discuss

the situation and decide what course of action they would resort to if they were faced with a similar situation. For example, a case study could entail a situation where squatters are faced with eviction, this enabling the trainees to face a similar situation in the future.

GROUP DISCUSSION:

This is ideal for collective learning by facilitating exchange of ideas and opinions. For a group discussion to be effective, the group should be small and there should be a moderator to facilitate the discussion. The moderator should assess the members of the group and try to encourage the timid members of the group to participate more and the active ones to participate in a more modest way.

PANEL DISCUSSION:

In this method two or more resource persons are asked to form a panel and speak on a given topic. Sometimes the members of a panel may be asked to speak for or against a given topic. A panel discussion facilitates discussion particularly when an issue lends itself to different interpretation and conflicting views. For a panel discussion to be effective, the panelists should be familiar with the given topic and if possible should meet among themselves to delimit the scope of their individual presentations. In such a discussion the panel could include trainees so as to give them an opportunity to share their views.

BRAINSTORMING:

This is used for soliciting ideas, opinions and definitions from the participants. The moderator or facilitator asks the trainees to express their ideas or opinions in short concise sentences and writes them down on a black board as they state their views. At this stage the views expressed are neither contested nor judged. Normally, only about ten minutes are allotted for the trainees to express their views so that the ideas that are foremost in their mind are expressed. The points noted on the black board are then synthesized or

categorised for further discussion by the trainees. For example, a brainstorming session could be done on the usefulness of law for the rural poor and the views expressed and synthesised could form the basis for a discussion on the role of law in helping the disadvantaged groups.

ROLE PLAY:

In this method trainees act different parts as if they were in a play. But (unlike in a play) instead of words and parts the trainees will be given an outline of a situation. For example, the trainees could be asked to role play the situation of a strike in a factory and the negotiations that take place between the employer and the employees to end the strike. By role playing a particular situation, the trainees may learn how to face a similar situation in the future. In the example given, the trainees may learn how to deal with a strike.

FIELD TRIPS:

Field trips entail taking the trainees to visit a certain place or situation which will provide them with first hand experience. For example, the trainees may be taken to visit a squatters settlement or may be taken to observe a court proceeding or to visit a prison. For a field trip to be effective, the purpose should be explained in advance to the participants and they should be asked to record their observations. The trainees taking part in such a visit should be briefed as to the way they should conduct themselves during the visit.

PRACTICAL EXERCISES:

Through this method the trainees would be asked to demonstrate the skills they have learnt during the training period. For example, the trainees may be asked to prepare an affidavit or a complaint, or conduct a fact finding exercise.

SIMULATION TECHNIQUES:

A simulation is an imitation of a real life situation which helps the trainees to solve a problem. The simulation has

learning objectives and involves many persons playing roles. The activity is centred around a problem of concern to those involved, which becomes clear to them in the course of their participation. The learners interact as though the problem situation were real, and in their involvement, they become aware of real complexities. A simulation is a good learning activity when the trainer seeks a high degree of participation from the learners. Because there is human interaction during a simulation, it is a good means of getting participants to relax and to know each other. There is no test of knowledge during a simulation, which encourages a spirit of friendliness and cooperation.

Visual aids that are commonly used in a training programme:

POSTERS :

In a training programme posters can be used effectively for reinforcing some messages as providing a means for the participants to express their ideas and opinions. For a poster to be effective it should contain only one idea or message.

DISPLAY :

A display is an arrangement of real objects and models which people can look at and learn from; for example, a display of a completed model bail applications would help the trainees to learn how to fill up a bail application.

FLIP CHARTS :

A flip chart is made up of number of posters that are meant to be shown one after another so as to present several steps or aspects of a topic or theme.

FLANNELGRAPH :

A flannelgraph is a board covered with a cloth on which pictures and words can be placed to reinforce or illustrate a message.

PHOTOGRAPHS :

These are useful for showing situations and objects as they are in reality.

SLIDES :

This is useful to underline the most important point in a lecture and for teaching certain skills to trainees.

VIDEO AND FILM SHOWS :

Video and film shows provide action, colour and sound and they are useful for teaching new behaviour, attitudes and values.

XIII. SUGGESTIONS FOR EVALUATING A PARALEGAL TRAINING PROGRAMME

A training programme is evaluated to measure the degree to which the objectives of the training programme have been achieved, so as to improve it and avoid future mistakes. For the trainers it is part of their learning process and is an indication of their willingness to learn from the comments and criticisms made by the trainees.

An evaluation of a training programme could be conducted either by the trainers themselves or by the organisation that is engaging the trainers or by an independent expert who is not associated with the trainer or the organisation.

The following are some of the methods suggested for conducting an evaluation of a training programme:

PRE-TEST AND POST-TEST:

Before the commencement of a training programme, the trainees are asked to answer questions on the topics to be covered in the training and after the training, the same set of questions are given to check to what extent they have increased their knowledge and understanding.

EVALUATING THROUGH A QUESTIONNAIRE:

At the end of a training programme, the trainees will be asked to respond to a questionnaire designed to elicit their comments on the curriculum and the methods used in the training programme as well as on other aspects such as facilities provided during the seminar. The objectives of the training programme should be stated in the questionnaire.

The following are some sample questions that could be included in a questionnaire:

- What is your comment on the objectives of the training programme? Did they fulfill your expectations?

- Did the curriculum give a clear picture of the expected task (role) of a paralegal?
- Did the training programme advance your knowledge and skill? In what areas the training was inadequate?
- Did the methods used in the training programme facilitate learning? Were there any particular methods that should not be used in the future? If yes, for what reasons?
- Were the teaching materials appropriate?
- Do you have any comments on the resource persons who conducted the training?
- Do you have any comments on the facilities provided during the training programme?
- What assistance you may require for enabling you to carry out your tasks after the training?

The persons responsible for conducting the training (including the resource persons) may be asked to respond to a questionnaire. The following are some sample questions.

- Were the objectives of the training programme appropriate to the trainees?
- What is your assessment of the curriculum and the methods used? Were they appropriate to the trainees?
- What is your assessment of the trainees? Did you encounter any particular problems from them?
- Were there any particular problems in implementing the programme? What are your suggestions to avoid them in the future?
- What have you learnt from the training programme and from the trainees?
- From among the trainees are there any who could be invited in the future as a resource person?

EVALUATING BY ELICITING RESPONSES FROM THE TRAINEES THROUGH GROUP DISCUSSIONS AND INFORMAL DISCUSSIONS:

At the end of a training programme a discussion with the trainees may be conducted to elicit their views and comments on the training programme and to facilitate the discussion they may be asked to respond to a set of questions.

Alternatively, instead of eliciting their opinion at the end of the programme, informal discussions could be conducted (with individuals and small groups) during the training programme to assess the impact of the training programme on the trainees.

CRITICAL INCIDENT STUDIES:

This method is used after the paralegals have started their work and is useful for preparing refresher/follow-up courses.

In this method, paralegals working in the field are asked to describe individually a few (say five or six) events that happened recently when the paralegal felt uncertain or not competent to handle a certain situation. These situations are the 'critical incidents' which the paralegals have actually had to face but felt poorly trained to face them. Some of the 'critical incidents' may be unusual or rare, but if several paralegals report difficulty with situations of a similar nature, then the curriculum needs to be changed to enable the paralegals to face such situations. However, if only one paralegal reports that he/she was unable to handle a situation while all others were able to, then there is no need to change the curriculum. However, the individual should be helped by finding out what exactly was the difficulty he/she faced.

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Marie Therese Feuerstein, *Partners in Evaluation-Evaluating Development and Community Programmes with Participants*, Macmillan Publishers, 1986.

F.R. Abbatt, *A Guide For Teachers Of Primary Health Care Staff*; WHO, 1980.

Kathleen Cash, *Designing And Using Simulations For Training*; Technical Note No.20; University of Massachusetts, Amherst, U.S.A.

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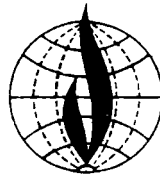
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