

The Cyrus R. Vance Center for International Justice Initiatives

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*“A Profession Supportive of Democracy”*

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Casas de Justicia

(Courthouses)

Argentina

## Description of the Program

The Courthouses Program is part of the Initiative for Access to Justice that CIPPEC has been developing since 2003.

### **The Initiative for Access to Justice**

The Initiative's general objective is to improve the quality of life of the groups that are socially and economically disfavored, through a greater and better access to Justice and to the Argentine legal system, in order to consolidate the rule of law, equality, democracy and respect to human rights.

The Initiative is being implemented in the District of Moreno (Province of Buenos Aires), in the west area of the third section of the *conurbano bonaerense*,<sup>1</sup> 37 kilometers away from the Autonomous City of Buenos Aires. This area has been selected mainly because of its alarming social indicators, problems for access to justice and high level of social mobility.

Research activities were carried out, including for instance the analysis of unsatisfied legal needs<sup>2</sup> and the survey of available legal resources.<sup>3</sup>

Moreover, activities have been performed in order to improve the quality and quantity of the legal services provided in the area. They include the creation of a Community

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<sup>1</sup> *Conurbano bonaerense* (Buenos Aires outskirts) is the urban area that surrounds the City of Buenos Aires and that is made up of 24 adjacent Municipalities/Districts with their respective local authorities. The first section of the Buenos Aires outskirts includes the Districts that are adjacent to the City of Buenos Aires (Avellaneda, Lanús, Lomas de Zamora, La Matanza, Tres de Febrero, Gral. San Martín and Vicente López); the second section includes the Districts that are adjacent to those in the first section (Quilmas, Almirante Brown, Esteban Echeverría, Ezeiza, Morón, Ituzaingó and Hurlingham, Merlo, San Miguel, San Isidro, San Fernando) and the third section includes the Districts that are adjacent to those in the second section (Berazategui, Florencio Varela, José C. Paz, Moreno, Malvinas Argentinas, Tigre). The principal cities in the Districts located in the third section are 30/40 kilometers away from the city of Buenos Aires (Km. 0 of the Obelisc), i.e. farther away than the cities in the first and second sections. Moreno is a bordering District of the Buenos Aires outskirts located on the west, and is adjacent to the Province of Buenos Aires.

<sup>2</sup> The following issues have been analyzed through polls and interviews: the individuals' main legal problems, the extent to which they resort to formal mechanisms to address those problems, and the most relevant obstacles they faced when trying to get access to justice.

<sup>3</sup> Surveys have been conducted on public policies on access to justice, judicial institutions located in the communities, and public and private institutions that provide free legal advice or representation. This has allowed for a deep understanding of the realities of public and non-governmental institutions in Moreno, and permitted that new proposals be made on such basis to improve those institutions and enhance their ability to respond [to the community' needs.]

The report has been distributed among the non-governmental organizations, so that they would get to know each other, articulate their work, make joint proposals and refer cases to each other.

In addition, a leaflet on public and private pro bono services has been created, so that all the population would have access to information on the places they can resort to when they have a problem that requires the participation of an attorney.

Legal Support Center [*Centro de Apoyo Legal Comunitario*],<sup>4</sup> the beginning of a network of lawyers that would provide pro bono services<sup>5</sup> and a network of governmental organizations and NGOs, and the organization of the “Conference on access to justice in Moreno,”<sup>6</sup> “Course on collective actions,”<sup>7</sup> “Seminar on Citizenship and State: strategies of the community’s participation in the implementation of public policies,”<sup>8</sup> and the “Seminar on Legal Tools and Strategies for Women’s Access to their Rights.”<sup>9</sup>

In addition, there have been training sessions aimed at providing information about fundamental rights, enhancing awareness about the use of basic legal tools and guarantying information about the existence of various pro bono providers. These activities included a “Workshop on Legal Education and Access to Legal Tools and Strategies,”<sup>10</sup> “Workshop on Human Rights for sex workers”<sup>11</sup> and “Conference on Rights in community eating centers [*comedores comunitarios*].”<sup>12</sup>

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<sup>4</sup> The Initiative has promoted the creation of a Community Legal Support Center. The Center aims at providing free legal advice and representation to the community in collective cases (those that affect a group of people) in relation to the conditions for access to public services, such as transportation, education, health, gas, electricity, water, sewage, telephone, and waste collection, among others, and the conditions in which those services are rendered. The Center operates in the headquarters of the Foundation Defenders of Chaco [*Fundación Defensores del Chaco*] and it is managed and directed by the Civil Association for Equality and Justice [*Asociación Civil por la Igualdad y la Justicia (ACIJ)*]. The project involving the Center won the Development Marketplace contest, organized by the World Bank.

<sup>5</sup> CIPPEC, with the assistance of the Moreno Bar Association, is setting up this network. Its aim is to coordinate and distribute the requests for pro bono services in the area.

<sup>6</sup> This conference was jointly organized by the Moreno Bar Association, the Local Development Program of the *Universidad Nacional General Sarmiento*, the School of Law of *Universidad de Palermo* and the Municipality of Moreno.

Different issues relating to access to justice were addressed in this conference with the aim of making the different players of the population aware of this problem. Representatives of the municipality, the municipal congress, and local and departmental courts, as well as lawyers, members of NGOs and Base Community Organizations and citizens in general participated in this activity.

<sup>7</sup> The course was aimed at providing tools on public interest law to the attorneys and members of the Judicial Branch in Moreno. It was organized together with the School of Law of *Universidad de Palermo*, the Moreno Bar Association and ACIJ.

<sup>8</sup> The seminar was organized together with the Center for Social and Political Studies for Human Development [*Centro de Estudios Sociales y Políticos para el Desarrollo Humano (CESPPEDH)*] and the *Universidad Nacional General Sarmiento (UNGS)*. The aim was to provide third sector organizations with new tools to improve the effect of the work they do by means of public interest law strategies, to promote the interaction among the participating organizations and to share their institutional goals, projects and lines of action.

<sup>9</sup> The Seminar was organized together with CESPPEDH. Its goal was to improve women’s access to justice in Moreno, by adding a gender perspective to the organizations’ work and also legal strategies that would allow for the enforcement of women’s rights. The Feminist Review gave financing for the Seminar.

<sup>10</sup> In this workshop, twenty five members of base organizations received information on legal tools, so that they could identify community problems, translate them into rights and effectively respond to the needs through the judicial system and other public institutions (administrative agency for consumer defense, regulatory agencies, community mediation organizations, etc.).

The activity was carried out together with Defenders of Chaco, the association *Culebrón Timbal* and ACIJ, and received financing from the British Council.

<sup>11</sup> This workshop was carried out together with DECIDIR, a Moreno NGO that works on problems related to gender violence, and sexual and reproductive rights.

## Courthouses

Within the framework of this group of activities aimed at the same goal, the project Courthouses was launched in Moreno as well as in two other places in the country that show alarming social indicators and difficulties in the access to justice -- General Pico (province of La Pampa) and Tafí Viejo (province of Tucumán). A loan from IBRD provides financing for this program for one year, although an extension for one additional year has been considered.

The goal of the Courthouses is to provide free services to the disadvantaged sectors so as to improve their social condition. They provide the following services:

- 1) Legal services: legal advice aimed at answering all the questions of the person requesting such advice and guide her so that she can bring specific actions that could solve her problem through institutional avenues.
- 2) Mediation: the people resorting to the Courthouse explain their conflict before an impartial third party who attempts to reach an acceptable solution for both parties, through mutual concessions.
- 3) Social services: a social worker provides this service. The main purpose is to change and improve personal circumstances.

Before setting up the Courthouses, a study on Unsatisfied Legal Needs was done in each area. This guarantees that there will be a deep and detailed understanding of the specific problems of the inhabitants of such areas. Additionally, the professionals working at the Courthouses are trained on the basis of this study, so that they would have the necessary knowledge and tools to respond to the current local problems.

In addition, in each area, a survey has been conducted on the different public organs and private institutions that are devoted to the defense of the individuals' rights. This allows the Courthouses to adequately refer the people resorting to the Courthouses to these specialized entities. This referral does not mean that the Courthouse professionals dissociate themselves from the inquiry, but that from then on they have to insistently follow up on the case so as to get an effective response to the conflict at issue.

Finally, it should be noted that the Courthouses are monitored, thanks to the fact that all the cases are recorded and their activities are evaluated based on several objective indicators. This ensures the ability to control whether they are working efficiently, to correct defects and to assess the project's success with a certain degree of objectivity.

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The goal of this workshop was to provide information about basic rights and how to exercise them, taking into consideration the increase in the number of illegal detentions and abuse by the Province of Buenos Aires police force.

<sup>12</sup> The goal of the discussions was to identify the problems affecting the neighborhood and the community, the rights involved and the mechanisms to solve them through the actions of the neighbors themselves. In addition, the leaflet on available legal resources was distributed so that the participants would know about the places they could resort to in order to receive legal advice and representation.

The conference was held together with the organizations Action Against Hunger [*Acción contra el Hambre*] and Reasoning [*Razonar*].

### Program's partners

A group of players allows for the implementation of the Courthouses, which are an initiative of the Ministry of Justice and Human Rights. It is financed through a loan provided by IBRD.<sup>13</sup> The implementation and management of each Courthouse is in charge of CIPPEC in Moreno (Province of Buenos Aires), General Pico (province of La Pampa) and Tafí Viejo (province of Tucumán). On the other hand, INECIP is in charge of the Courthouses in Guaymallén (province of Mendoza), Cippoletti (province of Río Negro) and in another place not yet determined.

For the execution of the project, the national authorities and the municipalities entered into agreements so that the latter would provide the necessary infrastructure to set up the Courthouse.

Finally, CIPPEC entered into agreements with organizations in the area to guaranty the viability of the project (Moreno Bar Association, Alihuén in General Pico and Andhes in Tafí Viejo).

### Innovative nature of the Program

One of the most notable innovations of the Courthouses Program is that it is the first time that a public policy on the rendering of legal services is developed after the survey of specific and current needs of the beneficiaries.

Likewise, the coordination between the State (the nation and the municipalities) and the civil society organizations should also be highlighted. This evidenced the need that different players of public life get involved in order to improve the access to justice of the disadvantaged sectors.

### Current status of the Program and future prospects

The Courthouse in General Pico was inaugurated on December 27, 2004 and it started providing services to the beneficiaries as from January 12, 2005. Because the implementation of the program is too recent, it is not possible to objectively assess its operation.

The Courthouse in Moreno and in Tafí Viejo will be inaugurated in late February, 2005, and early March, 2005, respectively.

In addition, at CIPPEC we decided to complement this program with legal training sessions in Moreno for NGO leaders, lawyers, neighborhood leaders, teachers and students. It is expected that in this way the available legal resources –NGOs and lawyers– would have the legal tools and the social commitment to contribute to the disadvantaged sectors' access to justice. Another objective is that individuals would have greater

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<sup>13</sup> Project Modernization of the State, Loan IBRD 4423-AR, Component F – Reform in Key Agencies.

knowledge of the law, so that they would be aware of their rights, the mechanisms to enforce them and the legal resources that are available in the area.

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