

LEGAL AID PRACTICES: COMPARATIVE PERSPECTIVES*

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SUMMARY

This article, from the perspective of a legal aid practitioner, seeks to contribute to comparative analyses by discussing the prominent features of the legal aid systems in the United States, the United Kingdom, India, South Africa and Bangladesh. The broad parameters on which this exercise was based include the recognition of the constitutional right of access to justice, the models and types of legal services, the common concerns and challenges to providing effective access to justice in these countries, and the responses to these challenges. The paper argues that the characterisation of the right to criminal legal aid as a non-derogable constitutional right is critical to its enforceability and availability. The paper suggests that reform proposals based on the need for accountability of the institutions that comprise the legal system, of which the legal services institutions form part, should include measures to enhance transparency, sharing of relevant information and ability to receive and deal with complaints. It concludes that there is a need, given the substantial "uncovered" and "unmet" areas of legal services, both by way of representation and by way of preventive and rehabilitative legal aid, to persist with more than one service provider and in more than one model.

1 INTRODUCTION

Comparative analyses of the legal systems of different countries generally, and in the area of access to justice in particular, are not a recent phenomenon.¹ The political histories of countries earlier dominated by alien rule enable the drawing of parallels in the origin, development and mutation of legal systems. It is possible to learn from the experiences of legal regimes that have undergone similar patterns of influence. The renewed interest in comparative analyses is owed to contemporaneous developments in the international sphere that have irreversibly impacted the legal systems in diverse areas of trade and commerce,² crime³ and human rights.⁴ Countries

* This article draws on portions of the author's recent publication *Law, Poverty and Legal Aid: Access to Criminal Justice* (2004).

¹ Among the exhaustively documented comparative studies are Cappelletti, Gordley and Johnson Jr. *Towards Equal Justice: A Comparative Study of Legal Aid in Modern Societies* (1975) followed by Cappelletti and Garth (eds.) *Access to Justice – A World Survey* (5 volumes) (1978). For a comparative survey of Asia, Africa and Latin America see, Committee on Legal Services to the Poor in Developing Countries *Legal Aid and World Poverty: A Survey of Asia, Africa and Latin America* (1974).

² The laws relating to excise and customs tariffs have long been internationalized through the harmonized system of nomenclature (HSN), and the General Agreement on Trades and

Perspectives On Legal Aid An International Survey

Robert L. Buckwalter



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Kostenverteilung im US-amerikanischen Zivilprozess und Urteilsanerkennung in Deutschland Sebastian Neufang, 2002

Legal Aid, 2012 Papers presented at an international conference *International Marketing: An Asia-Pacific*

Perspective Richard Fletcher, Heather Crawford, 2013-08-28 International Marketing 6e is written from a wholly Australasian perspective and covers issues unique to local marketers and managers looking towards the Asia Pacific region the European Union and beyond It presents a wide range of contemporary issues faced by subsidiaries of multinational enterprises MNEs as well as small and medium scale enterprises SMEs mainly exporters which make up the vast bulk of firms involved in international business in the Australasian region International Marketing 6e clearly demonstrates the links between the different stages of international marketing connecting analysis with planning planning with strategy and strategy with implementation Key concepts are brought to life with comprehensively updated statistics recent illustrations and a variety of real world examples and case studies **Final Report to the Chief Judge of the State of New York** New York (State).

Committee to Improve the Availability of Legal Services, 1990 **UNB Law Journal**, 2003 **Discrimination and Access to Justice in Africa** Wellman Kondowe, Paul Svongoro, 2025-05-23 There are different forms of discrimination Among others people can be discriminated against on the basis of their ethnic grouping political affiliation race gender age and language This book focuses on linguistic discrimination in Africa acknowledging that language plays a key role in the delivery of justice and much of what transpires in justice systems deals with language use It argues that to achieve fairness the state has a responsibility to put in place accommodations aimed at reducing linguistic vulnerability The collection interrogates some of the issues that are common in Africa which is arguably one of the most linguistically diverse continents in the world bringing together a collection of case studies from Malawi South Africa Zimbabwe Tanzania Kenya and Zambia It presents practical insights from academics legal professionals and social scientists Divided into five thematic parts the first addresses communication and linguistic challenges faced by children in the legal system Theme 2 examines the position of witnesses with physical challenges The third theme focuses on language as a barrier in access to justice Theme 4 looks at the language of the court as a major barrier to the poor and the illiterate The fifth and final theme examines the position of women in sexual assault cases The collection will be of interest to academics researchers and policymakers working in the areas of law and language human rights law criminology linguistics and African Studies *New Models for Legal Services in Latin*

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