



# Knowledge Co-Creation Program (Group & Region Focus)

GENERAL INFORMATION ON

ENHANCEMENT OF ACCESS TO JUSTICE

課題別研修「司法アクセス強化」

JFY 2018

NO. J18-04425 / ID. 1884640

Course Period in Japan: From November 4<sup>th</sup>, 2018 to 17<sup>th</sup>, November 2018

This information pertains to one of the JICA Knowledge Co-Creation Program (Group & Region Focus) of the Japan International Cooperation Agency (JICA), which shall be implemented as part of the Official Development Assistance of the Government of Japan based on bilateral agreement between both Governments.

'JICA Knowledge Co-Creation Program (KCCP) as a New Start

In the Development Cooperation Charter which was released from the Japanese Cabinet on February 2015, it is clearly pointed out that *"In its development cooperation, Japan has maintained the spirit of jointly creating things that suit partner countries while respecting ownership, intentions and intrinsic characteristics of the country concerned based on a field-oriented approach through dialogue and collaboration. It has also maintained the approach of building reciprocal relationships with developing countries in which both sides learn from each other and grow and develop together."* We believe that this 'Knowledge Co-Creation Program' will serve as a center of mutual learning process.

# I. Concept

## **Background**

Access to effective forms of justice gives citizens effective recourse if they are blocked from obtaining an education, discriminated against at work, or deprived of their right to health care. Justice systems are there to protect the vulnerable from abuse and exploitation, resolve disputes, and foster participation in just societies<sup>1</sup>. In the international society, the importance of access to justice has become widely acknowledged, and in September 2015, member states of the United Nations made an important breakthrough by agreeing on a Sustainable Development Goal (SDG) 16.3: “Promote the rule of law at the national and international levels and ensure equal access to justice for all”,

Role and significance of access to justice is also symbolically described as below;

*“There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system<sup>2</sup>”*. In other words, access to justice entails legal empowerment - the ability of people to understand and use the law for themselves- enables who are most marginalized to achieve justice, meet their basic needs, hold authorities to account, protect their interests and participate in economic activities in an inclusive manner<sup>3</sup>.

Under such widely shared understanding on its role and significance, every nation today is making great efforts to improve access to justice in many aspects. With such background, JICA created this Knowledge Co-Creation Program together with Japan Federation of Bar Associations together with Japan Federation of Bar Associations in order to assist such continuous efforts undertaken by each country,

## **For what?**

This program aims to deepen the understanding of how to ensure access to justice through introducing Japan’s experience to develop its own access to justice system as well as its efforts to overcome current challenges=

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<sup>1</sup> Extract from Key note remarks by Angel Gurría, Secretary-General of OECD, 18 September 2016, <http://www.oecd.org/about/secretary-general/leveraging-the-sustainable-development-goals-delivering-access-to-justice-for-all.htm> last visited on July 09 2018.

<sup>2</sup> UNDP, “Strengthening Judicial Integrity Through Enhanced Access to Justice”, 2013, p.5.

<sup>3</sup> OECD, “Leveraging the SDGs for Inclusive growth: Delivering Access to Justice for All”, 2016, p.3.

### **For whom?**

This program is offered to governmental officials or legal professionals who are interested in access to justice and who are engaging in planning and/or implementing a policy for developing access to justice (e.g. parliament members, officials of ministry of justice or other justice sector organization, representatives of bar associations or legal aid organizations.)

### **How?**

Participants will have lectures from prominent scholars and experienced practitioners on access to justice. Participants will also have chance to visit various sites including a court, a legal aid center, a call center or a local bar association to see and hear Japan's past and current efforts to improve access to justice. The program includes a short trip to regional cities, which would provide participants with the opportunities to see the initiatives for improving access to justice by various entities and legal practitioners.

At the end of the program, the participants are required to reanalyze their country's challenges, identify approaches to improve access to justice and present an action plan which sets out what they will do after this program, utilizing the knowledge and ideas acquired and discussed in Japan.

## ***II. Description***

### **1. Title (J-No.): Enhancement of Access to Justice (J1804425)**

### **2. Course Period in JAPAN**

November 4 to November17, 2018

### **3. Target Regions or Countries**

Kazakhstan. Lao PDR, Mali, Nepal, Timor-Leste

### **4. Eligible / Target Organization**

This program is offered to government officials or legal professionals who are interested in access to justice and who are engaging in planning and/or implementing a policy for developing access to justice (e.g. parliament members, officials of ministry of justice or other justice sector governmental organization, representatives of bar associations or legal aid organizations.)

### **5. Course Capacity (Upper limit of Participants)**

5 participants

### **6. Language to be used in this program: English**

## **7. Course Objective:**

This seminar aims to enhance participant's understanding on the significance of access to justice and to promote the introduction of necessary measures and systems for improving access to justice in their own countries, by learning about Japan's experiences, present situation, challenges and efforts in this field.

## **8. Overall Goal**

Possible measures for improving the access to justice are examined and proposed in each country.

## **9. Expected Module Outputs and Contents:**

### ➤ **Expected Outputs**

- 1) To analyze the current situation regarding access to justice in each country, by understanding and referring to the international trend as well as Japan's past and current efforts for establishing and improving the system related to access to justice;
- 2) To understand the Japan's experience on the development of the framework to provide legal service to the people with financial difficulties, especially for the criminal cases, and analyze the corresponding or similar issues in each country;
- 3) To understand Japan's challenges and undertakings to address the disparity in access to justice between urban and rural area, and to analyze the issues on similar topics in each country;
- 4) To understand the framework in Japan to provide legal services for those who have special needs (such as victims of crime, women, children and foreign citizens etc.), and to analyze the corresponding or similar issues in each country;
- 5) To understand the systems and practices to provide information on laws, legal procedures and legal services, and to discuss effective measures to promote information provision to citizens in each country.

### ➤ **Program Structure and Contents**

#### (1) Preliminary Phase in Participant's Country

A Country Report, which refers to the basic information on the legal and judicial sector of participants' country, should be prepared in accordance with the instruction provided in the Annex.

#### (2) Core Phase in Japan

\* The following topic outlines are subject to minor changes.

#### **1st week (11/5-11/9)**

- 1) Country Report Presentation from each participant;
- 2) An overview of access to justice and its significance (Lecture);
- 3) International trends and challenges on access to justice (Lecture);

- 4) Access to Justice in Japan- Role of Lawyers and Bar associations (Lecture);
- 5) Access to Justice in Japan- Responsibility and efforts by Japanese Government (Ministry of Justice) (Lecture);
- 6) Access to Justice in Japan- Japan Legal Support Center (JLSC): its Operations, Organization and Administration (Site Visit and Lecture);
- 7) Introducing new systems/frameworks for the Access to Justice- Cases of JICA's past assistance for the promotion of Access to Justice;
- 8) Visit an organization which provides assistance for people having special needs

**2nd week (11/12-11/16)**

- 1) Bar association in local area (Visit and Lecture);
- 2) JLSC's information provision service and its Call center (Visit and Lecture);
- 3) Local office of JLSC (Visit and Lecture);
- 4) District court (Visit);
- 5) Local law office funded by Bar association (Visit and Lecture);
- 6) Organizations which provide assistance for people having special needs (Visit and Lecture)
- 7) Presentation on the Action Plan from each participant.

**(3) After Returning to the Participant Country**

After returning to the country, each participant is expected to elaborate the study report, and share it with each participant's organization and other related organizations. The Action Plan produced at the end of the program in Japan is also expected to be shared with the relevant stakeholders and realized in each country.

### **III. Conditions and Procedures for Application**

#### **1. Expectations from the Participating Organizations:**

- (1) This program is designed primarily for organizations that intend to address specific issues or problems identified in their operation. Participating organizations are expected to use the project for those specific purposes.
- (2) This program is enriched with contents and facilitation schemes specially developed in collaboration with relevant prominent organizations in Japan. These special features enable the project to meet specific requirements of applying organizations and effectively facilitate them toward solutions for the issues and problems.

#### **2. Nominee Qualifications:**

Applying Organizations are expected to select nominees who meet the following qualifications.

##### **(1) Essential Qualifications**

- 1) Current Duties: officials or lawyers who are interested in the access to justice and who would engage in development or improvement of the national plan or systems on the access to justice (lawyers, judges, parliamentary members, officials of ministry of justice or courts, members of the bar association, legal aid workers etc.)
- 2) Experience in the relevant field: have more than 5 years' experience in the legal sector
- 3) Educational Background: be a graduate of university
- 4) Language: have a competent command of spoken and written English which is equal to TOEFL iBT 100 or more (This workshop includes active participation in discussions, which requires high competence of English ability. Please attach an official certificate for English ability such as TOEFL, TOEIC etc, if possible)
- 5) Health: must be in good health, both physically and mentally, to participate in the Program in Japan.

Pregnant applicants are not recommended to apply due to the potential risk of health and life issues of mother and fetus.

##### **(2) Recommendable Qualifications**

- 1) Age: between the ages of twenty-five (25) and fifty (50) years
- 2) Gender Consideration: JICA is promoting gender equality.  
Women are encouraged to apply for the program.

#### **3. Required Documents for Application**

- (1) **Application Form:** The Application Form is available at **the JICA office (or the Embassy of Japan).**

**(2) Photocopy of passport:** to be submitted with the application form, if you possess your passport which you will carry when entering Japan for this program. If not, you are requested to submit its photocopy as soon as you obtain it.

\*Photocopy should include the followings:

Name, Date of birth, Nationality, Sex, Passport number and Expire date.

**(3) Nominee's English Score Sheet:** to be submitted with the application form if you have any official documentation of English ability. (e.g., TOEFL, TOEIC, IELTS)

**(4) Country Report:** to be submitted with the application form. For the preparation of the Country Report, please refer to the V.ANNEX "Instruction of the Country Report". For the accepted participants, additional instructions for preparing the presentation of the Country Report will be sent with the Notice of Acceptance.

#### **4. Procedures for Application and Selection :**

##### **(1) Submission of the Application Documents:**

Closing date for applications: **Please inquire to the JICA office (or the Embassy of Japan).**

(After receiving applications, the JICA office (or the Embassy of Japan) will send them to **the JICA Center in JAPAN** by **September 17, 2018**)

##### **(2) Selection:**

After receiving the documents through proper channels from your government, the JICA office (or the embassy of Japan) will conduct screenings, and then forward the documents to the JICA Center in Japan. Selection will be made by the JICA Center in consultation with concerned organizations in Japan. *The applying organization with the best intention to utilize the opportunity of this program will be highly valued in the selection.*

Qualifications of applicants who belong to the military or other military-related organizations and/or who are enlisted in the military will be examined by the Government of Japan on a case-by-case basis, consistent with the Development Cooperation Charter of Japan, taking into consideration their duties, positions in the organization, and other relevant information in a comprehensive manner.

### **(3) Notice of Acceptance**

Notification of results will be made by the JICA office (or the Embassy of Japan) **not later than October 5, 2018**

### **5. Conditions for Attendance:**

- (1)** to strictly adhere to the program schedule.
- (2)** not to change the program topics.
- (3)** not to extend the period of stay in Japan.
- (4)** not to be accompanied by family members during the program.
- (5)** to return to home countries at the end of the program in accordance with the travel schedule designated by JICA.
- (6)** to refrain from engaging in any political activities, or any form of employment for profit or gain.
- (7)** to observe Japanese laws and ordinances. If there is any violation of said laws and ordinances, participants may be required to return part or all of the training expenditure depending on the severity of said violation.
- (8)** to observe the rules and regulations of the accommodation and not to change the accommodation designated by JICA.

## IV. Administrative Arrangements

### 1. Organizer:

(1) **Name:** JICA Tokyo Center (JICA TOKYO)

(2) **Contact:** Mr. Watanabe Hajime ([Watanabe.Hajime@jica.go.jp](mailto:Watanabe.Hajime@jica.go.jp))

### 2. Implementing Partner:

(1) **Name:** Japan Federation of Bar Associations

(2) **URL:** <https://www.nichibenren.or.jp/en/>

### 3. Travel to Japan:

(1) **Air Ticket:** The cost of a round-trip ticket between an international airport designated by JICA and Japan will be borne by JICA.

(2) **Travel Insurance:** Coverage is from time of arrival up to departure in Japan. Thus traveling time outside Japan will not be covered.

### 4. Accommodation in Japan:

JICA will arrange the following accommodations for the participants in Japan:

JICA Tokyo Center (JICA TOKYO)

Address: 2-49-5 Nishihara, Shibuya-ku, Tokyo 151-0066, Japan

TEL: 81-3-3485-7051 FAX: 81-3-3485-7654

(where “81” is the country code for Japan, and “3” is the local area code)

If there is no vacancy at JICA TOKYO, JICA will arrange alternative accommodations for the participants. Please refer to facility guide of TIC at its URL, <http://www.jica.go.jp/english/contact/pdf/tic.pdf>

### 5. Expenses:

The following expenses will be provided for the participants by JICA:

(1) Allowances for accommodation, meals, living expenses, outfit, and shipping

(2) Expenses for study tours (basically in the form of train tickets.)

(3) Free medical care for participants who become ill after arriving in Japan (costs related to pre-existing illness, pregnancy, or dental treatment are not included)

(4) Expenses for program implementation, including materials

For more details, please see “III. ALLOWANCES” of the brochure for participants titled “KENSU-IN GUIDE BOOK,” which will be given before departure for Japan.

### 6. Pre-departure Orientation:

A pre-departure orientation will be held at the respective country’s JICA office (or Embassy of Japan), to provide participants with the details on travel to Japan, conditions of the workshop, and other matters.

# V. ANNEX:

## Instruction for the Country Report

In advance of the program, each participant is requested to prepare a report which describes the outline of the system, practice, and current issues in regard with Access to Justice in the country where they come from, together with certain basic information on judicial system of the jurisdiction. During the program, the participants are required to make a presentation before other participants, lecturers and organizers, based on their Country Report.

The Report should refer to all the information listed below. In general, it is preferable to include recent statistical information if available. It is also preferable to refer to concrete example of a system or any good practice to improve Access to Justice. If there is any particular question or instruction which does not correspond to the system or practice of your country, please explain related systems or substitutional practices you have or you may use to deal with the issue.

Please submit your Country Report together with the application form. If you find any question in preparing the Report, please feel free to contact the JICA office in your country.

### I General Information

#### 1-1 Population and number of legal professionals

1-1-1 Population

\*\*\* as of [date]

1-1-2 Number of lawyers/attorneys-at-law

\*\*\* as of [date]

Male	Female	Total

1-1-3 Number of judges

\*\*\* as of [date]

Male	Female	Total

1-1-4 Number of prosecutors

\*\*\* as of [date]

Male	Female	Total

**1-2 Judicial system and legal education and qualification**

1-2-1 Please explain briefly the judicial systems/procedures in your country, such as the categories/types/hierarchy of courts, etc.

1-2-2 Please explain briefly the educational system, licensing system and the qualification systems to produce legal professions such as lawyers/attorney-at-law, judges or prosecutors in your country.

**1-3 Number of court cases handled by first instance courts**

Please in the table below to indicate the number of court cases in your country. If the category of the cases below is different from that of your country, please modify it accordingly.

[year]

	Civil	Criminal	Family	(other)
Cases remaining at the beginning of the year				
New cases filed				
Disposed cases				
Cases remaining at the end of the year				

**1-4 Legal framework for securing access to justice**

1-4-1 Please specify and describe provisions of your constitution relevant to access to justice (e.g. right to fair trial, right to counsel, or other constitutional right)

1-4-2 Please specify the statutes relevant to ensure access to justice in your country (e.g. Legal Aid Act, Laws related to court procedure, Laws related to legal profession) and explain the roles of such statutes.

1-4-3 Please specify the main ministry or governmental organization, which has responsibility for making an overall policy on access to justice.

## **II Legal Aid**

### **2-1 Legal Aid Organization**

2-1-1 Please describe the names of Legal Aid Organizations(LAOs) in your country

2-1-2 Are those LAOs governmental or non-governmental?

2-1-3 How are the bar associations involved in the LAOs?

2-1-4 Please explain the scope of activities of the LAOs.

2-1-5 Please explain the annual budget of the LAOs, as well as the governmental contribution towards it.

2-1-6 Please explain service delivery style of LAOs. Is the legal aid service provided by a salaried staff attorney employed by LAOs or a private practitioner assigned by LAOs for individual cases, or combination of those two?

### **2-2 Civil Legal Aid (Representation at the court proceedings)**

2-2-1 Is legal aid service available for a civil case (including a family or commercial/economic case)?

2-2-2 Please explain the scope of civil cases where legal aid service is available.

2-2-3 What is the eligibility of recipients of the legal aid service?

2-2-4 In a civil legal aid case, how and to what extent is the lawyer paid?

2-2-5 Please explain the number of recipients of civil legal aid service last year.

### **2-3 Criminal Legal Aid**

2-3-1 Is legal aid service available for a criminal case?

2-3-2 Please explain the scope of criminal cases where legal aid service is available, together with a brief outline of right of the accused/suspects to seek an assistance of counsel.

2-3-3 What is the eligibility of recipients for the legal aid service?

2-3-4 In a criminal legal aid case, how and to what extent is the lawyer paid?

2-3-5 Please explain the number of recipients of criminal legal aid service last year.

## **III Special programs for people in socially vulnerable groups**

3-1 Do you have any specific mechanisms for women to ensure their access to justice? If so, please explain it (the responsible organization, the details of service, amount of fees or others). If not, please explain how they solve their problems.

3-2 Do you have any specific mechanisms for disabled to ensure their access to justice? If so, please explain it (the responsible organization, the details of service, amount of fees or others). If not, please explain how they solve their problems.

3-3 Do you have any specific mechanisms for children/minors to ensure their access to justice? If so, please explain it (the responsible organization, the details of service, amount of fees or others). If not, please explain how they solve their problems.

3-4 Do you have any specific mechanisms for foreign residents to ensure their access to justice? If so, please explain it (the responsible organization, the details of service, amount of fees or others). If not, please explain how they solve their problem.

3-5 Do you have any specific mechanisms for victims of crime to ensure their access to justice? If so, please explain it (the responsible organization, the details of service, amount of fees or others). If not, please explain how they solve his problem.

#### **IV Other programs to promote access to justice**

##### **4-1 Shortage of lawyers in remoted area**

Are there any specific programs or measures in order to address shortage of lawyers in remoted area? If so, please explain them briefly.

##### **4-2 Free legal consultation service by a lawyer**

4-2-1 Is there free legal consultation service by a lawyer for indigent people?

4-2-2 If so, please explain the number of recipients of such service.

##### **4-3 Free legal information service**

4-3-1 Is there legal information service by an LAO, NGO, and the governmental agency?

4-3-2 If so, please explain such service (including its source of fund) briefly.

##### **4-4 Law dissemination activity**

Are there any activities to disseminate law and legal knowledge to the general public? If so, please explain them (including its source of fund) briefly.

#### **V Cooperation with Foreign/international Organizations**

5-1 Please explain the details of recent and future projects relating to any of the above discussed issues in your country, in regard to which any foreign (governmental or non-governmental) organizations are providing assistance.

- Name of the foreign/international organization:
- Name of the program:
- Program details:
- Website:

## **VI Others**

### 6-1 Recent Movement/initiatives

Please describe briefly any recent movement, initiative, newly-introduced program or plan, or topics discussed in the legal community, including the courts/the Ministry of Justice/bar association/law society in relation to the topics above.

6-2 What are the future issues or challenges with respect to access to justice in your country?

### 6-3 Comments

Please fill in any comments or your thoughts to way to achieve the well-organized access to justice in your country.

## ***For Your Reference***

### **JICA and Capacity Development**

The key concept underpinning JICA operations since its establishment in 1974 has been the conviction that “capacity development” is central to the socioeconomic development of any country, regardless of the specific operational scheme one may be undertaking, i.e. expert assignments, development projects, development study projects, training programs, JOCV programs, etc.

Within this wide range of programs, Training Programs have long occupied an important place in JICA operations. Conducted in Japan, they provide partner countries with opportunities to acquire practical knowledge accumulated in Japanese society. Participants dispatched by partner countries might find useful knowledge and re-create their own knowledge for enhancement of their own capacity or that of the organization and society to which they belong.

About 460 pre-organized programs cover a wide range of professional fields, ranging from education, health, infrastructure, energy, trade and finance, to agriculture, rural development, gender mainstreaming, and environmental protection. A variety of programs are being customized to address the specific needs of different target organizations, such as policy-making organizations, service provision organizations, as well as research and academic institutions. Some programs are organized to target a certain group of countries with similar developmental challenges.

### **Japanese Development Experience**

Japan was the first non-Western country to successfully modernize its society and industrialize its economy. At the core of this process, which started more than 140 years ago, was the “*adopt and adapt*” concept by which a wide range of appropriate skills and knowledge have been imported from developed countries; these skills and knowledge have been adapted and/or improved using local skills, knowledge and initiatives. They finally became internalized in Japanese society to suit its local needs and conditions.

From engineering technology to production management methods, most of the know-how that has enabled Japan to become what it is today has emanated from this “*adoption and adaptation*” process, which, of course, has been accompanied by countless failures and errors behind the success stories. We presume that such experiences, both successful and unsuccessful, will be useful to our partners who are trying to address the challenges currently faced by developing countries.

However, it is rather challenging to share with our partners this whole body of Japan’s developmental experience. This difficulty has to do, in part, with the challenge of explaining a body of “tacit knowledge,” a type of knowledge that cannot fully be expressed in words or numbers. Adding to this difficulty are the social and cultural systems of Japan that vastly differ from those of other Western industrialized countries, and hence still remain unfamiliar to many partner countries. Simply stated, coming to Japan might be one way of overcoming such a cultural gap.

JICA, therefore, would like to invite as many leaders of partner countries as possible to come and visit us, to mingle with the Japanese people, and witness the advantages as well as the disadvantages of Japanese systems, so that integration of their findings might help them reach their developmental objectives.



***CORRESPONDENCE***

For enquiries and further information, please contact the JICA office or the Embassy of Japan. Further, address correspondence to:

**JICA Tokyo Center (JICA TOKYO)**

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