

The regionalisation of pro bono work: legal empowerment of communities as a tool for access to justice

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A brief history of pro bono work in Colombia

Pro bono is a Latin expression meaning 'for the public good'. It is used to describe free and voluntary legal work that is done in favor of low-income populations or those who have difficulty accessing justice by providing specialised legal advice seeking to guarantee justice for all.^[1]

Although in North American law firms pro bono work developed from the 1960s, in Latin America the process started later and has developed more slowly, despite the great need for access to justice in Latin America. It was only with the launch of the Pro-Bono Declaration for the Americas in 2008 that pro bono work in the region began to grow significantly.

In Colombia, the Fundación Pro Bono Colombia was created in 2009 with the purpose of institutionalising and publicising pro bono work. This foundation was created with the mission of promoting pro bono culture by channelling the resources of firms and independent lawyers towards the structuring of pro bono work opportunities. From its creation, it began to consolidate this type of work in Colombia.^[2]

Pro bono work for the needs of Colombians

Pro bono work has been growing in Colombian firms. In 2017, it grew by 36 per cent, partly due to demonstrated benefits for the clients to whom services are provided and for the lawyers who do pro bono work. It is arguably impossible to practise in the legal profession while ignoring the reality of the insufficiency of access to justice for many people.

In June 2017, the National Department of Statistics and the National Planning Department conducted a survey in Colombia that was answered by 50,000 people aged over 18 from nine regions. 87 per cent of the general population stated that their legal problems had not been resolved, which means they did not have a satisfactory solution; defined as an unsatisfied legal need. This figure rises to 93 per cent for people living in extreme poverty.

Approximately 3.5 million Colombians live in extreme poverty and they mostly live in the departments of Chocó, Guajira, Córdoba, Magdalena and Sucre; 8.3 million citizens live in multidimensional poverty^[3] and are mostly located in 17 departments of the country. It is thus essential that pro bono services target these regions.

Faced with this reality, the country has an enormous challenge because free quality legal work does not reach the all regions and is focused in Bogotá. Although the Pro Bono Colombia Foundation is beginning to expand its work to cities such as Medellín and Cali, there are still a lot of territories to be covered where people need access to justice to achieve the protection and guarantee of their human rights. More and better access to justice will help to build a fairer, more equitable and empowered country.

Pro bono work as a tool for communities' empowerment

Of course, the country's problems cannot all be solved through pro bono work, although it is definitely possible to use it as a tool to empower communities and people. The main idea is to provide individuals and communities with the knowledge and necessary tools so that they can provide solutions to their own problems or adversities.

Colombia's Political Constitution of 1991 incorporated legal, administrative and political participation mechanisms that allow citizens to participate in government decision-making. The participation mechanisms are known as constitutional actions, aimed at protecting and guaranteeing the rights of each individual and their community, many times without a lawyer.^[4]

The exercise of these actions allows for the recognition of the rights of each individual, helps each person to understand their rights and respect the rights of others, and enables people to join together as a community to assert their rights when they are violated. These actions benefit each person as an individual and at the same time as a member of a community.

That is why legal education is a vehicle to take truthful and effective information to all regions of Colombia and build the capacity of disadvantaged groups and individuals to improve their condition or situations through the correct use of legal tools.

Free legal education and expertise

Free legal education is the vehicle through which pro bono work can be brought closer to communities in the regions of Colombia. It is the vehicle for the regionalisation of pro bono work and the promotion of access to justice in places far from the centre of the country that need support to improve their living conditions.

Cultural exchanges help to encourage lawyers to do this type of work; when they encounter other realities of the country they have the opportunity to see the impact that their work can have on the lives of vulnerable people and communities. Likewise, it is possible for groups of people to express their problems and through

dialogue with a legal expert and identify if their rights are being violated and how they can demand their protection and guarantee.

In practice, pro bono work has many obstacles and challenges. Addressing challenges means being active and not waiting for clients to come looking for help. Rather, we, the lawyers, must help to identify people, communities and realities in need of legal services. The reality of multidimensional poverty and legal need often makes us believe that we do not have the capacity to change things, but we do have the aptitude to share knowledge and advice – this is how significant changes are produced.

The reality of the Colombian territory requires us as lawyers to regionalise pro bono work to reduce the existing gaps between large cities and the countryside of Colombia. Covering the whole territory is an impossible task but educating people and helping to legally empower regional efforts is one way to help to transform the country.

^[1] Declaración de Trabajo Pro Bono para el Continente Americano.

^[2] Política sobre el Concepto de Trabajo Pro Bono Fundación Pro Bono Colombia.

^[3] Multidimensional poverty is made up of several factors such as poor health, lack of education, inadequate living standards and lack of income.

^[4] Political Constitution of Colombia of 1991, Articles 40, 86, 87 and 88.