

ESE'S APPROACH



**PARALEGAL
ASSISTANCE**

AND SUPPORT



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PARALEGAL ASSISTANCE AND SUPPORT

Limited access to health care, unfavourable health status and discrimination faced by Roma people when exercising their right to health has encouraged **ESE** to develop the approach on provision of paralegal assistance and support to Roma communities in the Republic of Macedonia. In this regard, we firmly believe that legal literacy and empowerment of Roma community members is of crucial importance, as it would enable them to be actively engaged in exercise of their rights and entitlements, which would further result in improved access to health care for this vulnerable group of citizens. Hence, activities in this field of work are implemented together with local Roma CSOs actively involved in resolution of individual and collective problems faced by community members.

Establishment of programs on paralegal assistance and support for exercise of rights in the field of health care, health insurance and patients' rights

Since 2011, **ESE** has worked on introducing the approach on paralegal assistance and support to Roma communities and, in continuity, strives to improve work in this field of operation. In particular, prior to establishment of programs on paralegal assistance and support we conducted a survey among Roma communities in the Municipalities of Shuto Orizari and Delchevo to determine extent to which Roma people exercise their health-related rights and to identify issues they are facing in this regard. The programs on paralegal assistance and support were established at local Roma CSOs in order to enable community members to address them directly when seeking to find solutions to their problems related to exercise of the right to health care, health insurance and patients' rights.¹ More specifically, paralegals are community members that have acquired necessary knowledge and skills to assist their communities. They provide advice, draft written submissions (applications, appeals, complaints, etc.), refer or accompany community members to competent institutions, organize meetings with local institutions, organize educational workshops for local population, with the ultimate goal of assisting community members in exercise of their rights and entitlements. In that, **ESE** is responsible for institutional enhancement of paralegal programs, continuous education of paralegals and advancement of their knowledge and skills, as well as for upgrading data collection systems and direct work on client cases. Provision of legal aid in cases processed by paralegals is also an integral part of our work.

¹ ESE and its partner organizations established the following criteria for selection of paralegals: to have completed at least secondary education, to be members of local communities and preferably to have previous experience in provision of services to local Roma population.

In 2011, the first programs on paralegal assistance and support became operational at KHAM in Delchevo and the Centre for Democratic Development and Initiatives in Shuto Orizari. In 2012, the paralegal assistance and support office was established at the **Roma Resource Centre** (RRC) in Shuto Orizari. In 2013, **KHAM** opened an additional paralegal office in village Crnik, Municipality of Pehchevo, and later in the Municipality of Vinica.

ELEMENTS OF THE APPROACH

HOW WE WORK

In continuity, we provide support to local Roma CSOs that implement programs on paralegal assistance and support. For that purpose, we organize continuous education and advancement of paralegals' knowledge and skills; we are responsible for upgrading administrative procedures at paralegal offices; and we perform monitoring, support and evaluation of paralegals' performance.

A) CONTINUOUS EDUCATION AND ADVANCEMENT OF PARALEGALS' KNOWLEDGE AND SKILLS

In consultation with partner organizations and immediately before establishment of programs on paralegal assistance and support, we had selected a larger group of ten paralegals, six of which were later engaged to work as paralegals in local Roma communities. For the purpose of ensuring basic education on paralegal programs, ESE developed the handbook with guidelines on paralegal work and designed the curriculum for three-day inception training, with focus on the right to health and organization of the health system, health insurance and patients' rights. From 2012 onwards, inception training is delivered every year, followed by two training sessions on topics that correspond to paralegals' needs. Overall goal behind organization of inception training is to strengthen paralegals' knowledge and skills in terms of the organization of the state health system, as well as in terms of law-stipulated mechanisms and procedures on exercise of rights in the field of health care, health insurance and patients' rights. Having in mind the impact of other social determinants on the right to health and problems faced by Roma population, education under programs on paralegal assistance and support was extended to other spheres of social life, such as social protection, labour relations, employment, etc. In 2012, program coordinators and paralegals acquired knowledge and skills about procedures, methods and criteria related to exercise of rights in the field of social protection. In 2013, they advanced their capacity related to provision of assistance and support on issues related to labour market, as well as non-discrimination and mechanisms for protection against discrimination. In 2014, we enhanced their capacity to work with vulnerable groups of citizens, such as drug users and sex workers. In the same year, we organized workshops

on stress management intended for paralegals. In 2015,² we conducted an assessment of verbal and non-verbal communication skills among program coordinators and paralegals, including assessment of their interpersonal relations and team work. These assessments were followed up with training on verbal and non-verbal communication, as well as training on team building and interpersonal relations. In 2016, we delivered training on social protection and labour relations to accommodate needs of new paralegals and to address current problems referred to them by community members seeking assistance and support.

Here it should be noted that at these training sessions, in addition to theoretical knowledge, paralegals also have opportunities to apply their knowledge by working on cases studies and to acquire specific skills on drafting written submissions to competent institutions. Continuous education under programs on paralegal assistance and support also includes regular dissemination of information about changes and novelties introduced to the health system and in other fields covered by paralegal work. For that purpose, in 2013 we designed the electronic resource library comprised of relevant international treaties and mechanisms on human rights protection; relevant regional treaties and mechanisms on human rights protection; national legislation on protection of human rights; laws in the field of health care, health insurance and patients' rights; other laws and regulations in the field of health care; Ministry of Health's preventive and curative programs; mechanism on human rights protection in the field of health care; laws and other regulations in the field of social protection; laws and regulations in the field of labour relations; templates and work materials; as well as manuals and additional literature on provision of paralegal assistance. The electronic library is hosted on **ESE's** official website and can be accessed and used by all program coordinators and paralegals. In parallel, continuous efforts are taken to update contents hosted on **ESE's** thematic website: **www.healthrights.mk**. Moreover, we regularly send electronic updates on the latest changes and amendments to legal regulations, rulebooks and other documents needed in paralegals' day-to-day work. This practice on regular information sharing has created opportunities for keeping the pace with most recent legal changes and amendments and for improving paralegals' knowledge and skills about ways in which people from their communities can exercise their health, social and other rights.

Provision of paralegal assistance and support to Roma communities has proved to be a very successful model of problem solving and exercise of rights on the part of vulnerable groups of citizens, which ultimately led to its acceptance and application by other civil society organizations working with vulnerable groups such as textile workers, sex workers and drug users. Having in mind the multitude of problems and legal needs that necessitate paralegal assistance and support, from 2017 **ESE** assumed responsibility to organize

² As part of activities taken by ESE to merge social accountability approach and provision of paralegal assistance and support.

education, i.e. training on advanced knowledge and skills for all paralegals in the state. For the purpose of training delivery, we designed comprehensive handbook on paralegal training featuring contents such as: health care, health insurance and patients' rights; organization of the state health system; civil, family and inheritance law; domestic violence; criminal law, types of criminal offences and criminal proceedings; and labour relations. In this endeavour, **ESE** cooperates with a broad group of experts and practitioners that have assisted in developing handbook contents and participated in training delivery (two training sessions per year).

B) UPGRADING PROCEDURES AT PARALEGAL OFFICES

To accommodate needs of programs on paralegal assistance and support, in 2012 **ESE** established the system on record keeping and case management. This endeavour included development of templates used by paralegals in their work: initial template for client intake; final template for client intake; and paralegals attendance logs/schedules on provision of paralegal assistance and support. Throughout the years these templates were amended according to emerging needs, while in 2013 we introduced templates on closed cases and client satisfaction. In the course of 2017 we designed separate online database that hosts all templates used by paralegals in their day-to-day work. This database is envisaged to streamline case record-keeping on the part of paralegals and greater insight into their work and actions taken in individual cases.

C) MONITORING, SUPPORT AND EVALUATION OF PARALEGALS' PERFORMANCE

Through its programs on paralegal assistance and support, **ESE** regularly reports on activities taken and assistance provided in individual cases related to violation of rights of community members. In addition to periodic reporting, paralegals engage in regular consultations with **ESE** about their cases in terms of actions that need to be taken, i.e. provision of adequate legal aid in specific cases.

In 2013 we introduced direct periodic visits to programs on paralegal assistance and support, envisaged as mechanism on monitoring and support to paralegal work. Based on insight preformed into paralegals' performance, we draft reports with recommendations aimed to advance their work in terms of imputing data and taking actions pursuant to needs in individual cases. During these evaluation visits, together with paralegals and coordinators we discuss current problems affecting their communities and ways in which they could be addressed.

During the first round of visits, **ESE** focused on reviewing cases processed by paralegals in the period between two visits. Nowadays, review activities target selection of paralegal cases based on case data from narrative reports on their operation. In that, review activities are focused on individual acts taken by paralegals, while during evaluation visits

and case reviews **ESE** provides individual feedback and guidelines to paralegals related to areas of their work that could be improved. For example, during the first round of field visits, number of paralegals were advised to improve their data imputing method for client intake templates, i.e. to improve problem description and to document activities they have taken in individual cases. As regards their performance, some paralegals were advised to take additional actions in their relevant caseload, i.e. in addition to provision of advice and referral to competent institutions, they were instructed to assist clients in obtaining necessary documents and drafting relevant written submissions in some cases.

In general, paralegals assist and support members of their communities in administrative procedures led before competent institutions until the moment when the case in question necessitates provision of professional legal assistance. It is a matter of assistance related to exercise of rights before competent ministries, state administration bodies, law-stipulated organizations, other state bodies, legal entities performing public authorizations, and municipal bodies. In that, paralegals assist members of their communities that have motioned administrative procedures before aforementioned bodies and institutions until the motion for administrative dispute, in which case **ESE** provides legal aid. In fact, provision of legal aid on the part of **ESE** represents continuation of paralegal assistance provided by partner organizations. For example, in cases related to exercise of rights in the field of social allowance, paralegals inform clients about manner and eligibility criteria for exercise of particular rights and complete applications for social allowance that are submitted to competent social work centres. In cases when decisions taken upon social allowance applications are negative or in cases related to termination of particular right in the field of social protection, paralegals lodge appeals before the Ministry of Labour and Social Policy. In cases when the second-instance body has adopted negative decision and referred the client to motion administrative dispute, **ESE** provides legal aid, i.e. drafts the motion for administrative dispute led before the Administrative Court.

As regards legal aid, it should be noted that **ESE** provides strategic litigation, i.e. complete court representation in specific strategic cases processed by paralegals. It is a matter of cases that imply serious violations of health rights of Roma community members which have potential to effectuate positive changes and have greater societal impact in terms of improved access to health care and improved exercise of health rights on the part of Roma people in the state. For example, one case referred by paralegals from **KHAM Delchevo** and represented by **ESE** concerned motion for relevant court proceedings to establish responsibility with particular healthcare facility and health professionals on the grounds of inadequate treatment and failure to timely perform surgical procedure for a Roma woman. Our efforts resulted in positive court ruling that confirmed lawsuit allegations and established responsibility with the medical doctor and the competent health facility, followed by award of relevant financial indemnity to the affected party.

ACHIEVEMENTS

RESULTS OF OUR WORK

As a result of provided support, programs on paralegal assistance and support effectively help community members in resolution of problems they are facing. Thanks to institutional support provided by **ESE**, partner organizations have improved their standing in local communities and are recognized as guardians of health rights enjoyed by local Roma population. From their establishment to present, i.e. in the period 2011-2017, paralegal programs have assisted and supported more than 2 000 people to exercise their rights and entitlements.

It should be noted that baseline for establishment of programs on paralegal assistance and support was the analysis conducted in 2011, which inquired about exercise of health rights among Roma population in the Municipalities of Shuto Orizari and Delchevo. Findings from this analysis were also taken into consideration during activities on developing the Handbook on Provision of Paralegal Assistance and the Guidelines on Health Institutions and Procedures. Moreover, we designed various types of templates/applications related to exercise and protection of the right to health, which are used by paralegals in their day-to-day work. Promotion of paralegal programs and their services in local communities implied development of relevant materials that were distributed to these communities by our partner organizations.

Furthermore, we designed the system on record-keeping and data collection for paralegal clients, which is regularly upgraded. For that purpose, **ESE** designed relevant work templates for paralegals such as: template on resolved case, template on follow-up actions and template on client satisfaction. In the course of time and based on field-work experiences, these templates were adequately complemented and amended as part of our commitment to continuous quality improvements to work and actions taken by partner organizations and paralegals.

Basic training on health protection, health insurance and patients' rights allowed paralegals to acquire new knowledge and skills necessary to provide assistance and support in their communities. For illustration purposes, immediately after the launch of paralegal programs, i.e. in the course of 2012, vast number of unemployed Roma addressed paralegals for support in the procedure on obtaining health insurance.

Based on needs in Roma communities and impact of social factors on the right to health, the training program for paralegals was expended with a view to allow paralegals to acquire solid knowledge and skills necessary for provision of assistance and support related to exercise of rights in the field of social protection, labour relations, non-discrimination, family and inheritance law, protection against domestic violence, criminal law and criminal proceedings, etc. These training sessions equipped paralegals to provide

adequate assistance in resolution of various problems presented by members of their communities. These activities, in addition to their impact on exercise of the right to health, have generally contributed to improved exercise of rights by Roma population in the state. Benefits from continuous education of paralegals are even greater given that nowadays **ESE** works on building capacity and skills of all paralegals working with other vulnerable groups of citizens, such as textile workers, sex workers, drug users.

Direct visits to paralegal programs allowed us greater insights into paralegal work and resulted in identification of aspects related to their work that need to be improved. In fact, all visits to Roma partner organizations are followed-up with submission of reports that include recommendations aimed to improve specific aspects of paralegal work.

It should be noted that benefits from provision of paralegal assistance and support in Roma communities are multiple, which is confirmed with the evaluation report on activities taken by **ESE** in the field of legal empowerment and literacy for Roma people (Evaluation Report on Activities Implemented Under the Three Concepts from the Foundation Open Society – Macedonia’s Strategy 2014 - 2017, FOSM, 2016). Notably, provision of paralegal assistance and support has contributed to improved awareness among Roma people about their health, social and other human rights, better understanding among Roma people as citizens with equal rights and obligations, and improved articulation of their problems. Furthermore, provision of paralegal assistance and support has resulted in improved policies and procedures at public health facilities. Municipalities where paralegal programs operate are marked by improved treatment and behaviour on the part of health professionals. **Members of the Roma community indicated great satisfaction with work performed and services provided by paralegals, as confirmed with the statement provided by one beneficiary of paralegal assistance: “they [paralegals] are our eyes, ears and mouths”.**

One indicator of success under this concept includes expansion of paralegal assistance and support, i.e. adoption of this concept by other civil society organizations working with various vulnerable groups of citizens. High level of satisfaction among clients with assistance and support provided by paralegals is another indicator of quality. Hence, **ESE** conducted a cost-benefit analysis of various modalities for provision of legal aid and paralegal assistance in the state (Cost-Benefit Analysis of Existing Legal Aid Modalities in the Republic of Macedonia; ESE, 2018), wherein persons benefiting from paralegal assistance and support expressed high level of satisfaction (93%) with performance of paralegals in their environments, i.e. they were highly satisfied with politeness, respect, honest communication, explanations and possibility to raise questions, user-friendliness and timeliness of services provided.

All aforementioned achievements provide incentives for us to continue work on active promotion of the concept on provision of paralegal assistance and support to Roma population and other vulnerable groups of citizens in the state. In our opinion, this approach facilitates access to justice and improves equitable exercise of human rights and freedoms. Therefore, institutional capacity-building for organizations and paralegals working on these issues is our paramount priority.

Финансиски поддржано од:



Здружение за еманципација,
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