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Editorial

Welcome to ESR Review 2 of 2021. This is the fifth issue of the ESR Review series with a special focus on access to justice. Ensuring access to justice for marginalised and disadvantaged groups requires political will and mobilisation of resources by states. If, truly, no one is to be left behind, as envisaged by the Sustainable Development Goals (SDGs), states must redouble their efforts in creating an enabling environment for institutions and bodies that deliver justice to the people to function at their optimal level.

In many parts of developing countries, particularly Africa, institutions that deliver justice to the people are grossly underfunded, with little or no support from the government. This is unfortunate and requires urgent attention by the states.

Many people continue to languish in prison under inhuman conditions due to poor infrastructure in the prison system. Similarly, due to inadequate funding and a dearth of skilled personnel, the court system that ought to be a source of hope for disadvantaged groups has become a 'house of horror'. This is inconsistent with the norms and standards established at international and regional level that require states to commit resources to realising access to justice for the people.

For instance, the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa (2004) calls on governments to adopt measures and allocate resources to ensure effective and efficient delivery of legal aid to marginalised and disadvantaged groups. More recently, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012) urge states to ensure that resources are made available for ensuring access to justice for all, particularly marginalised groups.

Committing resources to realising access to justice does not mean supporting state institutions or initiatives only. Rather, it also requires the state to support other initiatives by civil society, such as those that provide paralegal services, including community-based paralegals, to facilitate access to justice for millions of people.

This is crucial if states are to meet the targets for SDG 16.3. The recent inclusion of indicators for civil matters for SDG 16.3 makes it all the more imperative for states to ensure that resources are made available for the realisation of access to justice for vulnerable and marginalised groups. Without global commitment to allocate resources in this way, millions of people will be deprived of their rights and continue to languish in pain.

This issue of ESR Review features an article that examines the role of paralegals in advancing access to justice in Africa; another article considers the significance of voluntary national reviews, while yet another examines how the dissolution of the SADC Tribunal has negatively impacted on the right to access justice. A fourth article deals with the right to approach courts in the public interest.

The events section reports on the highlights of webinar on student hunger and COVID-19, an event hosted by the Socio-Economic Rights Project of the Dullah Omar Institute at the University of the Western Cape.

We hope you find this issue stimulating and useful in the struggle for the realisation of SDG 16 in Africa and beyond. We thank the anonymous peer reviewers and our guest authors for their insightful contributions.

Ebenezer Durojaye
Chief Editor