



Legal Aid IN PROGRESS

The Legal Service Facility is a basket fund that is created to channel funding to legal aid providers in Tanzania Mainland and Zanzibar

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Grantees Speak: What we will do with the grant we received From LSF

In an attempt to supplement governmental efforts aimed at promoting legal services delivery in Tanzania, the Legal Services Facility (LSF), a legal aid basket funding mechanism, is scheduled to provide its first grants to 12 legal service providers (big and small legal aid providers) to facilitate the implementation of a three-year legal aid project in different parts of the country.

With initial financing by the Government of Denmark, the LSF was officially launched on May 17 this year. One of its key objectives is to provide financial support to legal aid providers, whose efficiency and effectiveness in service delivery has been constrained

by limited financial resources. Denmark has initiated the basket fund with a US\$ 10 million contribution to the LSF for promoting legal aid and paralegal activities in the country.

The LSF announced its first call for proposals concurrently with the launch of the facility and invited legal aid organisations to apply for funding for the implementation of the three-year project.

“Many organisations applied, but after screening, only 12 of them got the grants. It was an extensive scrutiny designed to select suitable legal aid organisations that can really deliver desired results,” said LSF Fund Manager Kees Groenendijk, in

an exclusive interview with *Legal Aid in Progress*. According to the Fund Manager, the grantees symbolically received the grants at an official ceremony scheduled for October 17, 2012 in Dar es Salaam.

Each grantee will implement a three-year project in different districts and regions countrywide. The 12 selected grantees are Tanganyika Law Society (TLS), Legal and Human Rights Centre (LHRC), Women Legal Aid Centre (WLAC), Women Wake Up (WOWAP) Tanzania Women and Children Welfare Centre (TWCWC), Tanzania Women Lawyers Association (TAWLA), EnviroCare, Zanzibar Legal Services Centre (ZLSC), Action for Justice in the Society (AJISO), Mama’s Hope Organisation for Legal Assistance (MHOLA), Centre for Widows and Children Assistance (CWCA) and Kilimanjaro Women Information Exchange and Consultancy Organisation (KWIECO).

Legal Aid in Progress conducted special and comprehensive interviews with the grantees on what they were going to do with the funding. The following are their views.

Dr. Hellen Kijo-Bisimba, Legal and Human Rights Centre, Executive Director

“First of all, let me express my profound appreciation to the LSF for coming up with this unique approach to support legal aid providers in Tanzania. The LSF’s funding modality helps bring together all stakeholders involved in the legal service provision and avoids duplication of activities among legal aid providers.

They developed proper methods for screening applicants for funding through which my organisation has qualified for funding. We got TShs 720m/- for the

EDITORIAL → Welcome to Legal Aid in Progress

Herewith, on behalf of the LSF team, I am very pleased to introduce you to the first edition of the LSF newsletter *Legal Aid in Progress* which, as from now on, will be issued an approximate three times per year.

As you will see in this first edition we will not talk too much about ourselves, but let others do the talking. In this first edition we hear the voices of legal aid providers who were granted under our first call for proposals, of paralegals and paralegal organisations and of one of the key players in the preparatory track towards legal aid legislation.

This is what you may expect in future editions as well. We will let the key stakeholders in legal aid in the country make their contributions, including clients and common people living in rural areas or in city slums. It is a key element of the LSF approach to continuously listen very carefully to all stakeholders in legal aid and we prefer that it is them who fill the pages of *Legal Aid in Progress*. And their views and stories are really interesting and warmly recommended for your attention.

The LSF has been around for about a year now, and starting from scratch, in this period did set up the

procedural framework for a basket fund, was very fortunate to be able to install a high level, highly capable and motivated Board, formulated its approach towards enhancement of legal aid in Tanzania, formulated its Program Implementation Plan, contributed to increased coordination in legal aid provision, was instrumental in the acceptance by all legal aid providers in the country of a national paralegal training approach, ensured that the drafting process towards legal aid legislation got revived, issued two calls for proposals, contracted 12 legal aid providers and through this extended the districts in the country which have legal aid services available by more than 100% to around 110 districts, which will materialize in the coming three years.

LSF welcomes you as readers of this newsletter and its team will do its very best to give you an as accurate as possible picture of what is happening with the provision of legal aid services in Tanzania. We sincerely hope you will like *Legal Aid in Progress* and will appreciate your feedback.

Kees Groenendijk
Fund Manager

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Turn to Page 2

Grantees Speak: What we will do with

From Page 1

implementation of a three-year project in 12 new districts in three regions—Mtwara, Ruvuma and Manyara, which have not been reached by paralegal services. Project districts are Mtwara Rural, Nanyumbu, Newala, Masasi, and Tandahimba, in Mtwara, and Namtumbo, Songe Rural, Nyasa, Mbinga and Tunduru districts, in Ruvuma Region. Other project districts are Meatu and Simanjiro.

The LHRC project has two main components—first, to conduct extensive training in the new 12 districts to get competent paralegals, who will assist poor women and men needing legal assistance in their respective areas.

The second component is to strengthen our existing paralegal networks in 16 districts through training programmes and other capacity-building interventions.”

Mohamed Hassan, Women Wake Up, Programme Coordinator

“For us, we have received a TShs 240m/- grant from LSF for a three-year project expected to be implemented in Chemba, Kondoa and Dodoma Urban districts in Dodoma Region. Basically, we will provide training to new paralegals and assist local communities to establish their paralegal networks, which will be providing legal aid to needy people in these areas. We will recruit 25 paralegals from each district and provide them with technical support on how to establish their own paralegal organisations and networks.

In collaboration with trained paralegals, we will conduct basic human rights and legal education programmes to communities and on other related matters to make the people aware of their rights.

Before winding up the project and after facilitating official registration of paralegal organisations, Women Wake Up will train leaders, secretariats and boards in all these organisations on financial management, fund-raising techniques, how to file cases in court, how to document their activities, reporting, monitoring and evaluation skills—through our special and focused programme called **Progressive Redundancy**, which will equip paralegals with requisite skills and knowledge on how to run their organisations.”

Uti Mwang'amba, Centre for Widows and Children Assistance Executive Director

“Our TShs 239m/- project will be implemented in three districts in the Mara Region—Musoma, Bunda and Butiama. We will basically focus on access to justice for vulnerable women and children by using paralegals. This will be done through training on women and child rights, court procedures and paralegal training programmes. We will also provide legal aid to victims of gender-based violence and help them file cases in courts of law. A combination of these approaches will help increase the number of active and competent paralegals and increase public awareness on women and child rights in their localities.”

Abdallah Ramadhani, EnviroCare, Programme Officer

“With this funding, we plan to achieve a completely new charter in legal service delivery in this country.

One of the key objectives is to reduce congestion in both adult and juvenile prisons. The project will be implemented in 20 selected adult and four juvenile prisons in five regions of Dar es Salaam, Morogoro, Tanga, Arusha and Kilimanjaro.

We expect to use a new approach called “Camp Court” in which judges and magistrates will go to the prisons, hear cases and deliver judgments on the spot. Judgments of all minor cases investigated in a short time will be given at the Camps. This approach, which is being implemented in some parts of Africa, including Uganda, Malawi, Kenya, will help reduce the backlog of cases in conventional courts.

However, the implementation of the project will involve other partners—the police, the prisons department and Tanganyika Law Society. I am sure we are going to make wonders with the TShs 700m/- grant we have received from LSF.”

Harusi Mpatani, Zanzibar Legal Service Centre, Executive Director

“Under a three-year 720m/-project, ZLSC is going to focus on extensive recruitment of paralegals, which will help needy rural women and men in Unguja and Pemba. Initially, 68 people (combined public servants, teachers, petty traders and ordinary people) from every constituency in Unguja and Pemba will be recruited as paralegals. After training, they will go



LSF Fund Manager, Kees Groenendijk, clarifying a point at one of the first call for proposal clarification meetings held in Mbeya.

back to their areas to help others in need of legal assistance but cannot afford to engage advocates/lawyers.

The paralegals will work on a volunteer basis and will be responsible for spreading the knowledge to other people, thus increasing the number of well trained paralegals in the Isles.”

Tike Mwambipile, Tanzania Women Lawyers Association, Executive Director

“Our 720m/- project will be implemented in 11 districts in the three regions of Arusha, Dodoma and Katavi and will focus on helping women and children to access justice. We will conduct an extensive training programme to produce competent paralegals in the districts of Monduli, Arumeru, Longido, Arusha Rural and Karatu in Arusha Region, three districts of Dodoma - Chamwino, Mpwapwa, and Kongwa - and three districts of Katavi Region - Mlele, Mpanda Rural and Mpanda Urban.

We will also organise community dialogues to sensitize them on human rights and other legal related issues. I am confident

the grant we received From LSF



that these activities will boost paralegal operations and ensure timely delivery of justice to women and children, particularly those living in rural areas.”

Edda Malik, Tanzania Women and Children Welfare Centre, Executive Director

“We expect to register impressive results from this TShs 240m/- LSF grant and reach out to as many people as possible in peri-urban areas in need of legal assistance. You know, there is a wrong perception among Tanzanians that most of peri-urban dwellers can manage to hire services of advocates/lawyers in case they face legal problems. This is not true. Many people living in urban areas are poor and unable to hire these services.

So, our project seeks to address this problem by sensitizing paralegals to extend their services to the grassroots and help urban dwellers in need of legal assistance in Temeke, Kinondoni and Ilala, Dar es Salaam Region, and for the rural population in Mkuranga District, Coast Region.

In a special way, I thank LSF for supporting paralegals’ work; they have seen paralegals. I call upon other potential donors to emulate the LSF example and

assist paralegals, who are instrumental in supporting communities at lower levels.”

Alphonse Gura, Tanganyika Law Society (TLS), Project Coordinator

“In fact, our main task will be to update the National Paralegals Training Manual. In the recent past, TLS was commissioned to draft this manual, but there are some new developments/dynamics which occurred recently in the legal sector, which also need to be incorporated into the training package. So, this time around, we will direct the TShs 480m/- grant from LSF to update and improve the Paralegal Training Manual with a view to ensure that it meets expectations of paralegals today and many years to come.

TLS will incorporate important issues and developments such as Constitutional affairs, criminal offences, and other non-legal issues which are important for building paralegals’ capacity.

We will collect inputs from legal aid providers, including their training manuals, and use them to update and improve the National Paralegal Manual. At the end of the day, we want to see all paralegals using the same training manual, thus creating uniformity of training and equal quality of legal services for all of the Tanzanian citizens.”

Elizabeth Minde, Kilimanjaro Women’s Information Exchange and Consultancy Organisation (KWIECO), Managing Director

“We are going to use this TShs 720m/- grant from the LSF for intensifying the provision of legal aid for women, children and other vulnerable people, including those living with HIV/Aids in the Kilimanjaro Region.

Key aspects in our project include providing legal aid services to needy women and children, enhancing public understanding on their rights, training paralegals using the national paralegal training manual and setting up paralegal units in six districts of Kilimanjaro—Hai, Siha, Mwanga, Same, Moshi Urban and Moshi Rural. Trained paralegals will be deployed to provide legal aid to poor women and children across the districts including areas which have not yet been reached by legal services.”

Saulo Malauri, Executive Director of Mama’s Hope Organisation for Legal Assistance

“This project will be implemented in three districts of Kagera Region—Muleba, Misenyi, and Bukoba Rural. The main objective of the TShs 240m/- project is to build women’s capacity on how to get assistance from paralegals. We want them to know how to access and resolve their problems using these paralegals.

Besides providing paralegal training programmes and establishing paralegal units, we will raise public awareness on how to access paralegals’ services in the areas through football matches and related gatherings. Religious leaders and decision-makers will also be sensitized on how to advise needy people to seek paralegals’ assistance in their areas.”

Theodosia Mhulo, Women Legal Aid Centre, Executive Director

The main components of our 720m/- three-year project, are establishing paralegals, training and empowering them. It will be implemented in 12 districts in Kigoma and Singida Regions. Project districts in Kigoma include Kibondo, Kasulu-Urban, Kigoma-Rural, Kakong’oko, Luhigule, and Uvinza, while in Singida, the project would cover Iramba, Iramba-Rural, Manyoni, Singida-Rural, Ikuhi, and Kalama districts.

In these areas, we will conduct extensive 24-day paralegal trainings, empower them and facilitate establishment of paralegal units. The objective is to have in place a good number of paralegals and paralegal units which take legal aid down to the rural settings and assist poor people, who want legal assistance but cannot lodge their complaints in courts because of geographical locations and other factors.

Vignia Silayo, Action for Justice in the Society, Executive Director

In short, we want to make Rombo District, Kilimanjaro a model in terms of legal aid delivery in Tanzania—making it a place where other legal aid providers would come and learn from us.

But this is not an easy assignment. That’s why in our 232m/- project, we aspire to recruit competent paralegals who could really deliver desired results; paralegals who will provide high quality services (down to the grassroots levels across Rombo district) in accordance with the national standards. The ultimate goal of all these initiatives is to enhance and increase access to justice to rural people in the district.



Participants to the paralegal workshop organized by LSF in Zanzibar on May 24-25, 2012.

TAPANET, Young and getting Strong

Despite significant contributions to legal service delivery, paralegals are yet to be incorporated into the country's legal framework. Studies show that many paralegals in the country are operating in a difficult working environment due to lack of recognition by the government, among other problems.

The Government's failure to legalize paralegals and subsequently mainstream them in the national legal structures and systems hinders efficient and effective operations of paralegals, who already proved to be instrumental in reaching out to millions of poor Tanzanians needing legal advice and assistance.

For years now activists and human rights practitioners have been pressing the government to recognise and legalise paralegals but as yet to no avail.

Besides this, paralegals face other challenges, including lack of coordination, requisite legal skills and knowledge, limited public awareness on the work of paralegals, which in effect limit their capacity to deliver efficient services to the people.

But the Legal Services Facility (LSF), is coming up with new drives, which are geared at finding lasting solutions to the long-time problems facing paralegals. At the onset, the facility organized workshops for paralegals to enable them to share experiences and

knowledge on general operations of paralegals and effective measures to redress their problems.

One of the paralegal workshops took place in Zanzibar on May 24-25, 2012, which was attended by 66 paralegals from Unguja and Pemba. It was the first meeting for the past two years to involve all paralegals in Zanzibar, which was graced by Zanzibar Legal Service Centre (ZLSC) Acting Executive Director Harusi Mpatani.

"The workshop was organized to create a platform for Zanzibar paralegals to meet and discuss their issues, exchange ideas, share experiences and get to know each other," LSF Programme Officer (Legal Sector) Scholastica Jullu told *Legal Aid in Progress*.

Other key objectives of the workshop, according to her, included enabling Zanzibar paralegals to understand their operational challenges and sustainability of their operations and discussing their future plans.

She said, among other things, participants digested best ways of raising public awareness on the work of paralegals—including the use of media, seminars, workshops and educative materials.

According to Jullu, participants discussed at length why paralegals were not recognised in the Zanzibar legal system and what should be done to rectify the anomaly.

"They also brainstormed on effective

strategies for improving the operations of paralegals. Some of the suggested strategies included providing reliable transport to paralegals, motivating and assisting them to access advanced legal training programmes and increasing the number of paralegals in each district," noted the LSF programme officer.

The most recent LSF paralegal workshop was held in Dodoma on September 19-20 of this year. This workshop was following up on an earlier paralegal workshop in Dodoma that was held in March. The latest workshop brought together more than 82 paralegals representing paralegal organisations from different parts of the country.

Herbert Tenson, LSF Programme Officer (Monitoring and Evaluation) said participants to the forum discussed a number of things, and drew conclusions on key areas, which are crucial for improvement of paralegal operations.

During the meeting many paralegals accepted to join TAPANET, a newly established national network for paralegals, and paralegal units were requested to update particulars of their units and send them to TAPANET, according to Tenson.

"They also agreed that conflicts within paralegals should be solved within the paralegal unit rather than extending the problem outside. Paralegals were reminded

not to charge clients on the ground that paralegals provide free legal aid services to the needy people,” said Tenson.

But the future looks brighter for paralegals with the coming up of an inclusive and countrywide paralegal network, dubbed “Tanzania Paralegal Network (TAPANET)”.

The newly-established national-paralegal network, which was registered in 2010 and launched the same year, seeks to redress problems and challenges facing paralegals in Tanzania, according to TAPANET National Chairman, Flora Masoy. The network has its own secretariat and board of directors, organs which oversee the management of TAPANET’s day-to-day activities.

In a recent interview with *Legal Aid in Progress*, Masoy said the Morogoro-based paralegal network, with over 54 registered member organisations so far, provided a platform for all paralegals across the country to get united and address their problems comprehensively.

“Instead of talking as individuals, we will now talk as a network, speak with one voice. We will also address our long-time concerns and problems under the umbrella of the network. The platform will help paralegals have a common stand when it comes to paralegals’ national issues,” Masoy told *Legal Aid in Progress*.

Initially, according to the TAPANET chairperson, the network wants to find solutions to major problems facing paralegals, lack of recognition, inadequate training and financial limitations.

“Through this network, we also want

to ensure that the code of ethics becomes operational as soon as possible. This is the only way to enhance professionalism and adherence to ethics,” she noted. The Ethics for paralegals is one of the key components contained in the Paralegals’ Training Manual Draft prepared by the Tanganyika Law Society (TLS)

Masoy said the network was committed to reinforcing operationalisation of the code of ethics for paralegals, making it more vibrant and effective in monitoring the conduct of paralegals. The code of ethics will hold accountable paralegals operating unprofessionally, besides serving as a tool for solving conflicts among paralegals in the country, according to the TAPANET chairperson.

“We want paralegals to respect the code of ethics, and operate in accordance with guiding professional rules, regulations, principles,” she said.

Apart from instilling professional discipline, TAPANET is also determined to assist paralegals (regardless of organizations they belong to) to share experiences and information—in the context of building their capacity.

Exchange of notes will allow paralegals with advanced skills and more sources of funding to assist other paralegals—in terms of skills and ways of getting funds to finance their projects.

However, Masoy praised LSF, describing it as an engine of the TAPANET success story. According to the network chairperson, LSF organized paralegals (from across the country)

through workshops, which enabled them to discuss their concerns and ways of solving them. “LSF conducted base-line studies from grassroots to mobilize paralegals and get first-hand information on problems facing them and how to redress them,” she said.

“Recently, LSF organized a workshop which brought together 85 paralegals from different parts of the country. In the past this was not possible due to lack of funds on the part of paralegals. Apart from organizing paralegals, LSF is giving out funds to paralegals, many of whom have ceased to operate efficiently and productively due to lack of funding,” said Masoy.

Displaying some of the positive outcomes of the recent Dodoma paralegal workshop, she said that the TAPANET leadership agreed to support paralegal units which want to register as NGOs, by sharing procedures and guidelines, review constitution of the unit as well as direct them to the relevant registration office.

TAPANET members were requested to submit quarterly reports to TAPANET offices, starting from the quarter ending September 2012. Members were given contacts to be used when sending the reports and the reporting deadline will be first week of next quarter.

“Members agreed to improve communication amongst ourselves...as I said before, these are some of the positive achievements which registered by paralegals because of technical and financial support we got from LSF. And we have not stopped; we are forging ahead. This is just the beginning,” observed the TAPANET chairperson.



Participants including TAPANET leaders and members to the paralegal workshop organized by LSF in Dodoma on September this year.



Some of the representatives of legal aid organisations follow proceedings at the official launching of LSF project.

What should people expect from LSF?

There are divergent views on whether or not the newly-established funding mechanism (LSF) will deliver to the expectations of Tanzanians, especially the needy and poor men and women who are subjected to different forms of violence and harassments.

But a recent survey conducted by *Legal in Progress* revealed that expectations are high that establishment of the facility will yield anticipated fruits—in terms of increased and improved peoples access to legal services, enhanced access to reliable funding amongst legal aid providers.

On the list of those interviewed is Dr. Hellen Kijo-Bisimba, the Executive Director of the Legal and Human Rights Centre (LHRC) who expressed her optimism that the new funding facility (LSF) will bring more relief to the legal aid providers in the country.

“I also hope that this facility will continue to enhance coordination in the provision of legal aid services in our country,” said Bisimba.

The approach employed by the facility in providing funding to interested legal aid providers operating in different regions of the country will help to avoid duplication of projects, enhance coordination and expansion of legal aid organizations’ activities, she said.

Expounding, Bisimba said for the past several years, legal aid providers in Tanzania had been receiving funds from different donors to facilitate implementation of their legal aid

projects in the same areas (districts/regions). This trend created duplication of activities, as different legal aid providers could be found in the same districts/regions, implementing almost similar projects.

But there are several explanations for this shortfall, one being that donors have varied interests and have unsystematic donor’s systems of disbursing funding to organizations or networks involved in legal service delivery.

“Donors might have some interests in certain areas/districts/regions, and put some strict conditions for the legal aid organizations applying for funding from them to direct their projects to the areas, regardless of whether similar project was being implemented by other organization (s) in the localities,” said Bisimba.

On the other hand, according to Bisimba, a prominent activist, some donor organizations dishes funding randomly to legal aid providers involved in the provision of such services.

“So, these factors (donors’ interests and random systems of disbursing money) contributed to duplication of activities amongst legal aid providers, a critical problem which is now being addressed by LSF. The facility is coming up with a well-coordinated approach of allocating funds to legal aid organizations, thus avert duplications of projects,” said LHRC director.

Besides addressing the issue of duplication and lack of coordination amongst legal aid providers, the facility would provide funding to

small (paralegals) legal aid networks down to the grassroots levels.

“Expectations of most of us are that paralegals would be empowered and ultimately grow into big organizations. And this will expand coverage of legal aid provision and will help millions of people out of legal problems,” she said.

Clement Mashamba, a Member and Rapporteur of the African Committee of Experts on the Rights and Welfare of the Child, described the setting up of LSF as “a great improvement in the provision of legal services in Tanzania. For the first time in history of our country, we have a funding facility (LSF) which provides funding to the grassroots legal aid providers (paralegals)... we have all reasons to smile and celebrate.”

Through clarification meetings held in Dar es Salaam and Zanzibar, he said, LSF brought together legal aid providers (both small and big) guide them step-by-step on how to apply and other important procedures for accessing funds from the facility.

“To me, this is a major step towards enhancement of unity and coordination amongst legal aid providers. I think, Tanzanians should expect a lot from LSF,” said Mashamba.

Dr. Benson Bana, one of the renowned commentators and board member of LSF, said a component which allows small legal aid organizations to access funding from the facility would enable paralegals strengthen and expand their operations, thus extend a helping hand to more poor people needing legal assistance in urban and rural areas.

“Expanded paralegal networks (expected to be triggered by reliable funding from LSF) implies more access to justice for the needy and vulnerable social groups at the grassroots levels, whose rights have grossly been violated for many years,” said Bana.

According to the don, financially-empowered paralegals will help to create public education on legal and human rights issues down to the grassroots levels, hence enable people to claim their rights, enhance good governance and create a society in which rights of people are respected.

On October 17, 2012, LSF is scheduled to sign contracts with twelve grantees, which emerged as grantees after an extensive scrutiny.

The contracts-signing ceremony expected to be held at JB-Bilmont Hotel in Dar es Salaam will go hand in hand with the announcement of the LSF’s second call for proposals, calling on qualified legal aid organizations (big and small) to apply for funding. They will also be subjected to scrutiny before receiving the grants.

ANALYSIS: A big step towards equal access to Justice for all

By Daniel Lema

Coordinator Legal Aid Secretariat

At the moment there is a move by different African states towards the enactment of specific legislations governing matters of access to justice by all, through provision of free legal aid services. For some jurisdictions such as South Africa it is one of the long time realized initiatives and perhaps has the oldest model of the legislation. However, many of the other African states/nations have had some initiatives related to the provision of free legal aid services to its residents which were yet to be captured into enforceable legal frameworks. In particular Malawi, Zambia, Sierra Leone, Uganda and Kenya are good examples and Tanzania is not an exception. Fortunately, some of these countries have now decided to establish a sustainable legal framework that will ensure at all times that people are accorded with free legal aid services as one of the very important and fundamental elements of equal access to justice and also a determinant of right to a fair trial which is a cardinal principle in criminal justice. Zambia and Sierra Leone have already in place the law governing free legal aid in their respective countries. Tanzania, Kenya and Uganda are currently engaged in similar initiatives to reach a legislative framework. This article therefore, describes the process towards the enactment of similar law in Tanzania. The article discusses the genesis of the process, the current stage of the process and at the end sheds light on the expected outcome(s).

Report Writing Task Force

The Ministry of Constitutional and Legal Affairs (MoCLA) was persuaded by the Legal Aid Providers (LAP's) in the country to enact the law that will govern the issues of provision of Free Legal Aid in the country. This move was to ensure that the government sees the issue of access to free legal aid services to its residents as one of its responsibilities and assumes that responsibility. It was also to ensure that the constitutional provision that guarantees free and fair trial is realized by all and in fact the government is proactively facilitating the realization of this right. The government accepted this fact and took initiatives to operationalize the idea. Wanting to tap from the vast experience of the organizations working in the field the Ministry formed the Task Force to conduct work on this idea. The Task Force is mandated to conduct a survey within an outside the country and write a report that will facilitate the drafting of the Legal Aid Act Bill. This Task Force is constituted by representatives from key stakeholders in the field of access to justice being the government; represented by one member from Attorney Generals' Chamber (AGC) and Director of Public Legal Services (DPLS – MoCAJ). Others are LAP's organizations which form the majority of members in the Task Force and at the moment the following organizations are members. Tanganyika Law Society (TLS), Women Legal Aid Centre (WLAC), Tanzania Women Lawyers Association (TAWLA), Legal and Human Rights Centre (LHRC) and the Legal Aid Clinic of the University of Dar Es Salaam which holds the position of the Chairmanship and Secretariat in the Task Force.

Mandate and Current Work of the Task Force

As aforementioned the Task Force was mandated to carry out two major activities;



LSF team visiting Mbeya Paralegal Unit. Paralegals and paralegal units are important pillars in country's legal services delivery.

conduct a survey or study visits and from there write a report that will be a working tool in drafting the Legal Aid Act Bill. The Task Force met for the first time to strategize on mechanisms of accomplishing the work which was early September, 2011. The Task Force among other things agreed on the modalities of accomplishing the work together with setting out the time frame to accomplish the work. However, the pace towards accomplishing this task was not as scheduled due to the limited funding for this activity. However in March 2012 the government with the support from Legal Services Facility (LSF) facilitated the second meeting of the Task Force in which deliberation was on the Literature Review; content, materials, modalities of compilation etc. The tasks of literature review were divided to the members of the Task Force who were given a time frame within which they should report back. This was successfully accomplished and the Task Force has since then discussed and consolidated the drafted literature materials into two organized meetings in June and September. Consolidation of literature review materials is however a desk task and soon the Task Force will embark on study visits. The plans are the Task Force will visit Malawi, Zambia and Uganda and from there will consolidate one report which will now be circulated to the LAP's and other stakeholders for comments. After receiving and incorporating the stakeholder's comments the Task Force will then hand over the report to the MoCLA which may adopt it and prepare a Bill, Cabinet and Concept paper ready to channel it through normal government process for enactment. The commitment from the ministry is that come next year March the Bill should be read for the first time in the parliament and passed to the law by the end of 2013.

Salient Features of the Proposed Legal Aid Act

During the literature review meetings, the Task Force agreed on the main features of the law. This was of course thought from

the perspective of what is expected by that law in Tanzania. Principally the law will deal with the provision of free legal aid to indigent Tanzanians. That is to say the law will be crafted with some limitations as to who will be eligible to free legal aid in Tanzania. This was again to consider financial limitations and capacity of the service providers in the country. The Task Force is at the moment consulting extensively on the issue of eligibility criteria to ensure the set standard will not ouster the access to free legal aid by the indigent but at the same time does not open the door for people with means to use limited resources meant to serve the poor for their benefits. The Task Force is considering both options of setting the standard but at the same time examining facts presented by each case before admission. The current trend is that the law will also cover criminal as well as civil matters again with some limitations. Apart from that the law will create a sustainable body that will be responsible for coordinating, accrediting/licensing, regulating and monitoring LAP's organizations in Tanzania. The aim is to ensure the legal aid work is centrally coordinated with the major goal of ensuring greater coverage and quality services are provided to the beneficiaries. The law will generally set minimum compliance standards for those organizations which will want to provide free legal aid services. The organizations which will not comply with the set standards will be penalized and in that circumstance the law will create offences for individuals working within these organizations and for the organizations. At the end the Task Force will conduct a thorough Legal Audit to check the laws that will either require amendment or repeal to ensure that the drafted Legal Aid Act covers all of the expected areas but at the same time no other enacted law that will hinder the implementation of that legislation in the end.

Participant Beware

As I have reiterated several times in my

Turn to Page 8

From Page 7

previous paragraphs, the work of the Task Force will end at submitting the report to the Ministry for further action. Before this, the Task Force will embark on the internal consultation with the main stakeholders in the provision of free legal aid services but also stakeholders in the whole field of access to justice. Some of these will be CSO's with special focus on those which are engaged in the provision of free legal aid services. This is a crucial phase in the finalization of the draft report. At this stage CSO's must engage the Task Force to ensure that the prepared report covers all key issues. This will be the forum in which the voices of the voiceless will be aired and in principle

there must be strategies and mechanisms to ensure meaningful participation of the CSO's and other stakeholders in this process. Among other things, stakeholders will be required to comment on the key areas of report and the annexed bill to ensure that the report captures realities on the ground.

Conclusion

As mentioned above, the proposed Legal Aid Act in Tanzania is such a long time awaited initiative. It is the corner stone for equal access to justice by all in Tanzania. In this respect, the report writing Task Force, stakeholders and the Bill drafters must ensure at all times that, the law to be enacted embeds this spirit. However,

in drafting the members should ensure that the law does not limit access to justice to the poor or indigent but at the same time does not open the door for the people with means to grab even the limited services meant for the indigent. The art of balancing these competing interests requires rational thinking, extensive research and on the other hand relies on the impartiality of all the stakeholders. CSO's and other stakeholders must keep their eyes open at all times to ensure their long debated issues of concern are adequately addressed by the upcoming law. Continued technical and material support from the development partners will be appreciated in the whole process.

Fatma Taufiq ...DC who is still paralegal

For years, she has been one of frontline-human rights activists. A sudden change of her social status from being a paralegal to District Commissioner of Manyoni, has not changed Fatma Toufiq. She is still working as paralegal, assisting people in need of legal advice and assistance.

Taufiq, one of the long-time crusaders of paralegal recognition, was appointed as District Commissioner in May, this year. She is the only DC (in the history of this country) who is still working as paralegal. And she enjoys doing that work.

In a telephone interview with *"Legal Aid in Progress"*, the Manyoni DC says administrative tasks and other local government responsibilities, as district head, can hardly prevent her from executing paralegal-related duties—that's helping women and men with legal and related problems.

"Being paralegal is something which is mine...I just can't abandon providing paralegal services simply because I have been appointed DC. I feel obliged to continue assisting communities who are in trouble," said Taufiq.

"I'm always sad when I see poor women, children and other disadvantaged social groups, being subjected to suffering just because of poor understanding of their rights and how to access them. It does not make sense for me to stop helping (as paralegal) people because of my new position (DC)," she added.

In the course of executing her government duties, Taufiq meets with many people, women and men who flock to her offices, seeking for legal assistance. As paralegal, she counsels them and advises some of them to seek legal redress in the courts of law.

Some of the cases handled by the Manyoni DC include those related to divorce, wife beating, and other family problems. And most of these cases are resolved on the spot after the DC sits down with conflicting parties and advises them accordingly.



For other issues, which are beyond her capacity, including cultural and other traditional practices that allow widow cleansing, perpetuates raping of girls, Taufiq takes the trouble to counsel the victims and assist them to file cases in the courts.

"As a committed, devoted and dedicated paralegal, I have been doing these things before my new appointment...till now. And I feel proud of that. Nothing could prevent me from doing paralegal work," she said.

Taufiq, paralegal-cum-DC, is one of the key figures who championed the establishment of the Tanzania Paralegal Network (TAPANET), an umbrella paralegal organization which supports, oversees and coordinates operations of paralegals. In collaboration with few other human rights activists, Taufiq initiated the idea of having a national paralegal network which would serve as the voice of paralegals and a tool for improving their operations.

"Our focus was to get a network which would aggressively push for the speedy recognition

of paralegals and mainstreaming them in the country's legal systems. But we knew that it was quite impossible for the government to recognize paralegals if we are not well organized...if we will not speak with one voice," according to Taufiq.

But having an ideal is one thing and putting it idea into practice is another task. On the basis of that reality, Taufiq and other key founders, decided to team up with larger legal aid providers, including TAWLA, LHRC, WLAC, and many other organizations, with the view of achieving their dreams of setting up national paralegal network (TAPANET).

These joint initiatives by a handful of determined and dedicated paralegals, according to Taufiq, led to the official registration of TAPANET, which is increasingly becoming a key pillar for organizing paralegals throughout the country.

Taufiq sees paralegals as vital instruments in assisting rural people needing legal aid, since they are close to the communities, as compared to the courts.

"In rural areas, primary or district courts are very far, and this is one of the factors which deny millions of rural dwellers access to their legal rights. Under such situation, paralegals become useful and cost-effective facilities in helping these poor people," noted Taufiq.

Apart from directly providing legal services, she says, paralegals (through camps, public dialogues etc) are also useful in educating rural dwellers on their basic rights, resolving family conflicts and community disputes peacefully. She believes that chances are high for informed communities to prosper in terms education, legal and human rights and other development aspects.

"In brief, these are some of the important elements which push me to continue doing paralegal work, regardless of my position as DC. Paralegalism is a spirit, placed deeply at the bottom of my heart...I cannot abandon it in any way," concluded Taufiq.