



President of Tanzania, Hon. Dr. Samia Suluhu Hassan hands over the certificate of acknowledgment to the LSF's Executive Director, Ms Lulu Ng'wanakilala during the WILDAF's 25th anniversary on 20th October 2022. LSF has been recognized for its commitment to end gender-based violence and significant contributions towards women's and girls' social political and economic empowerment.

# LSF's milestones in promoting access to justice and legal aid services

Access to justice is undoubtedly among the sectors that have seen remarkable improvement in the country in the two years that President Samia Suluhu Hassan has been in office, which is a direct result of robust oversight and administration of policies in the legal realm and their onward implementation.

Furthermore, strengthening of the access to justice sector emanates also from putting into effect various national, regional and international policy guidelines. The National Development Vision 2025, which is currently being implemented through the third National Five-Year Development Plan (2021/22-2025/26) which aims at "Realizing Competitiveness and Industrialization for Human Development", is the primary roadmap intended to lead the nation to its objective of an improved standard of living for all by 2025.

Along with other aspects that are vital to the achievement of this objective, the third National Five-Year Development Plan lays out the

salient facets of good governance that invests itself in a Tanzanian society that is defined by justice and equality, and fundamentally one that values humanity. Good governance also elicits the rule of law and the establishment of an enabling environment for unhindered access to justice and quality legal aid services.

In its 2022-23 budget estimates speech, the Ministry of Constitutional and Legal Affairs stated that between July 2021 and March 2022 improvements in access to justice in the country, particularly through enhanced availability of legal aid services, have benefitted 1,455,566 people (529,079 women, 514,051 men and 412,436 children) all of whom received these vital services directly. This is an increase of 1,133,124 people which is 351 percent compared to 322,442 people who accessed legal aid services between July 2020 and March 2021.

For more than ten years now the Legal Services Facility (LSF), a basket fund that channels funding on

an equal opportunity basis to organizations which provide legal aid and paralegal services in the mainland and Zanzibar, has continuously implemented its Access to Justice Program across the country congruent with Vision 2025.

The program which is funded by the Danish International Development Agency (DANIDA) and the European Union mission in Tanzania facilitates the provision of legal aid services in communities through paralegals who work in every district and ward.

Along with legal aid services, this program has further integrated access to justice in its entirety and has incorporated important niches such as health, education, mining, and agriculture.

The essence of the Access to Justice Program is formulated on four strategic areas of focus which are:-

First, increasing accessibility of quality legal aid services where LSF aims to improve the efficiency of alternative dispute resolution mech-

anisms in communities, ensure ordinary citizens can access legal aid services all over the country, expand collaboration between legal aid providers and pertinent stakeholders with the intent to enhance the quality of conflict resolution and promote comprehensive access to justice.

Secondly, the program works to empower communities with the legal knowledge sufficient to enable citizens to claim and use their rights. This end is being achieved through community-gear legal education initiatives that centre on a broad spectrum of legal topics so that every day people have an increased understanding of the law and can use it to reclaim their rights when they are encroached upon.

The third, strategic area entails building an environment that is conducive to access to justice and this specifically interrogates reforming laws, policies and other frameworks to allow them to function compatibly with ever-changing societal fundamentals, and also resolve existing

challenges in communities.

Finally, the program seeks to strategically ensure that access to justice remains sustainable through the availability of financial resources which are instrumental for this outcome, empowering civil society organizations to carry out their mandates effectively, and seeking funding opportunities to guarantee continuity of these crucial services.

In these two years of President Suluhu Hassan's term of office LSF has made noteworthy contributions to the development of the access to justice sector in the country by responding to these four important areas in the following ways:

## Grant-making to facilitate access to justice projects, good governance, gender equality and women's economic empowerment

In these two years, LSF has made available Sh12.3 billion to more than 200 organizations towards implementing its Access to Justice Program, and part of this funding has

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been directed towards projects that address conflicts through alternative dispute resolution (ADR). Resolving conflicts by means other than court processes, especially through mediation, are laid out in Section 107A(1) (d) of the Constitution, which places particular emphasis on promoting and developing this means of reaching favourable ends between disputing parties.

The other part of the funding has directed financial resources to special economic concerns in agriculture, mining and the marine economy all of which specifically seek to benefit women in deliberate efforts to improve their economic situations by helping them take advantage of various sector-specific opportunities.

### Guaranteeing the availability of quality legal aid services

In ensuring that access to justice through free legal aid services remains at the core of this program, between 2021 and 2022 a total of 138,031 people received these services which are provided by paralegals handling disputes including inheritance, land, matrimony, and gender-based violence which all amounted to 72 percent of all cases reported to paralegals. Specifically, women reported a total of 79,654 cases and 74 percent of them were resolved while the remaining 26 percent were referred to higher instruments of justice including courts.

Resolving conflicts has significantly reduced the backlog of cases in courts thus proving that if alternative dispute resolution mechanisms are improved cost-saving and efficiency will be objectively achieved, and that they will consequently enhance the overall access to justice environment, particularly at the community level.

### Realizing increased numbers of ordinary citizens with an improved understanding of the law and their rights

These two years have seen an annual average of seven million people reached with legal education both in the mainland and Zanzibar, of whom women made up more than 56 percent proving categorically how these services significantly benefit them as well as girls.

Legal education is provided by some 4,195 paralegals who are funded

by LSF and can be found in nearly every ward. Legal education has successfully functioned as a crucial tool for empowering communities and directing them away from abuse of human rights and lawlessness which are traditionally pegged on the lack of legal awareness.

### Establishing an enhanced legal and policy environment for enabling access to justice

In addition to being at the forefront of the legal aid sector, LSF also ensures that it helps nurture a legally-empowered society that recognizes and respects gender equality among all groups. In this regard, therefore, LSF has spearheaded legal and policy reforms along with frameworks that prioritize women in society so that they are better equipped to vie for opportunities alongside other groups.

One positive development that resulted from these reforms was the enactment of the Arbitration Act CAP 15 of the Laws of Tanzania and amendments to the Civil Procedure Code CAP 33 of the Laws of Tanzania. These Acts establish the bases for resolving conflicts amicably through mediation, arbitration, negotiation and reconciliation. Statistics from the Ministry of Constitutional and Legal Affairs availed during the 2022/23 parliament session indicated that 192 mediators, 106 arbitrators, 37 negotiators and 23 reconcilers were registered and issued with certificates.

In early 2022 the ministry announced steps to waive the Sh30,000 registration fee for paralegals which had been contended as a hindrance to their vocation taking into consideration the fact that they work on a voluntary basis. The move to discard the fee has consequently sparked an increase in paralegal registration and certification, a stark difference to their prior situation.

LSF has also worked with the ministry to translate laws from English to Swahili to enable ordinary Tanzanians to understand and keep up with procedures in courts of law, and also to ensure communities and groups, especially women, are able to access their rights without impediment. More than Sh120 million was directed to this exercise which has since successfully made it possible to change the language of some laws into Swahili.

Working with the Tanzania Police, LSF facilitated the review of the Police General Order (PGO) which has proceeded to improve the functioning of the institution. This process also enabled the formalization of police gender desks which have been instrumental in defending and protecting the rights of women and children across the country.

It is worth noting that these two years have witnessed deliberate efforts to put in motion a process under which amendments to a broad spectrum of laws to bring them into synchronization with various changes was effected thus allowing the possibility of ushering social, economic, political and cultural transformations that are aimed at enhancing good governance. More than TZS450 million was spent in facilitating these amendments to the PGO, and publishing and disseminating copies of it to all police stations in the country.

### Empowering women economically

This period has also seen LSF carry out various projects designed to improve the economic fortunes of women in their communities as avenues for extracting them from barriers to their progress including gender-based violence. These initiatives have included working with the Generation Equality Forum Committee for the strategic purpose of empowering women economically where LSF participated in formulating numerous women's platforms including the National Women's Economic Forum.

Urban areas such as Arusha have also benefitted from women's initiatives driven and implemented by LSF through which business and entrepreneurial skills were imparted. These women beneficiaries also gained knowledge of gender-based violence and the means of fighting it, as well as other forms of gender discrimination, something that has gone on to generate women's rights champions in local communities.

Empowering women and girls is fundamental to the implementation of LSF's Access to Justice Program, and the organization has placed maximum priority in uplifting women with inspiration from the fact that President Suluhu Hassan is a woman, thus pointing to verifiable evidence that there is room for women to excel in many areas.

### Fighting gender-based violence

LSF collaborates with the Ministry of Community Development, Gender, Women and Special Groups to implement the National Plan of Action on Violence against Women and Children (NPA-VAWC) to ensure that all forms of inhumane treatment towards women and children are permanently eliminated. Statistics garnered during these two years point out that 22 percent of all cases received by paralegals involved violence which implies that 1 out of every 5 cases within the parameter of LSF-funded projects was related to gender-based violence. These figures are important in the sense that they indicate a subsidence in incidents of violence compared to other national and international findings which have until recently shown that 1 out of 3 cases related to violence against women.

### Utilizing technology in the provision of legal aid services

LSF has also improved the delivery of legal aid services with the introduction of the Haki Yangu app which links more than 1,000 paralegals to the app's users with 4,500 people to date taking full advantage of the app, and 315 cases already received and resolved including matrimonial, land, child maintenance and inheritance disputes.

This platform has additionally enabled users to expand their knowledge of the law while paralegals also use it to access learning opportunities that help them to upscale their skills and thus continue to provide quality legal aid services.

More than five courses are available through the app and in these two years some 167 paralegals have enrolled and continue to improve their legal aid provision capacities, with 67 having successfully completed their courses and awarded

certificates. The use of technology to facilitate access to legal aid services aims to match ongoing national and international efforts to utilize innovation and technology in promoting a gender-equal generation.

### Ensuring legal aid services are sustainable

The government in partnership with LSF and other legal aid sector stakeholders in the country recently launched the Mama Samia Nationwide Legal Aid Campaign which is intended to promote access to justice especially for the less privileged, mostly women, children and other special groups.

This campaign's strategic output focuses on providing human rights education, fighting gender-based violence, resolving conflicts through alternative dispute resolution mechanisms, and building the capacities of both people and institutions engaged in the provision of legal aid services.

The campaign will also probe how these services can be sustainably available by establishing a special legal aid fund into which the government and other partners will direct financial resources to facilitate nationwide provision of the services.

Objectively, therefore, these are some of the milestones that LSF has attained in the two years that President Suluhu Hassan has been in office under the auspices of its Access to Justice Program which places particular emphasis on women and girls.

As an active partner of the government in its various initiatives to improve the lives of ordinary Tanzanians, LSF marks these two years with a solid commitment to continue supporting and enabling quality legal aid services that are affordable, provided by acceptable community-based paralegals who are available in all districts of the country to ensure increased levels of accessibility of these vital services.

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