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TANZANIA NETWORK OF LEGAL AID PROVIDERS (TANLAP)

THE ANALYSIS OF THE IMPLEMENTATION OF THE LEGAL AID ACT (LAA) 2017

AUGUST 2021

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ABBREVIATIONS AND ACRONYMS

Abbreviation/acronym	Description
ADR	Alternative Dispute Resolution
CBOs	Community-Based Organizations
CCBRT	The Comprehensive Community-Based Rehabilitation in Tanzania
DOLASED	The Disabled Organization for Legal Affairs and Social Economic Development
FBOs	Faith-Based Organizations
GBV	Gender-Based Violence
GBV	Gender-based violence
ICCPR	International Convention on Civil and Political Rights
ICT	Information Communication Technology
IJS	Informal Justice System
KWIECO	Kilimanjaro Women Information Exchange and Community Organization
LAP	Legal Aid Provider
LEAT	Lawyers Environmental Action Team
LHRC	Legal and Human Rights Centre
LAA	Legal Aid Act
LSF	Legal Services Fund
MoCLA	Ministry of Constitution and Legal Affairs
NGOs	Non-Governmental Organizations
NOLA	National Organization for Legal Assistance
PESTEL	Political, Economic, Social, Technological, Environmental and Legal
SDGs	Sustainable Development Goals
SWOC	Strengths, Weakness, Opportunities and Challenges
TANLAP	Tanzania Network of Legal Aid Providers
TAWLA	Tanzania Women Lawyers Association
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
URT	United Republic of Tanzania
USAID	The United States Agency for International Development
WiLDAF	Women in Law and Development in Africa
WLAC	Women's Legal Aid Centre

LIST OF STATUTES

International Legal Instruments

International Covenant on Civil and Political Rights, 1966

Regional Instruments

The Lilongwe Declaration on Access to Legal Aid in the Criminal Justice System in Africa, November 2004

Tanzania – National Legislations

The Constitution of the United Republic of Tanzania, 1977

The Arbitration Act (No 2 of 2020)

The Legal Aid Act [G.N No. 217 of 2017]

The Legal Aid (Criminal Procedure) Act, 1969

The Criminal Procedure Act [R.E 2019]

The Legal Aid Regulations G.N No 44 of 2018.

East Africa Regional Legislations

Kenya – National legislations:

Legal Aid Act 2016

Uganda – National Legislations

The Ugandan Law Council Regulations for Legal Aid

Rwanda – National Legislation

The Rwanda Legal Aid Policy 2014

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Executive Summary

The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go together with strategies that improve health and education, reduce inequality, and spur economic growth.¹ The Tanzania Network of Legal Aid Providers (TANLAP) together with other key stakeholders led by the government are contributing to Goals four (quality education), five (Gender equality), and seventeen (Partnerships for the goals).

For the past four years since the enactment of the Legal Aid Act (2017), TANLAP and its members have conducted a series of activities to improve access to justice in Tanzania for the promotion and protection of human rights especially to women, young girls, and other marginalized groups in the communities. The focus has been improved access to justice in Tanzania regarding availability, accessibility, and realization of human rights.

With the support from USAID Tanzania under the Mwanamke Imara Project, TANLAP conducted this analysis to identify key achievements, lessons learnt, areas that require improvement, areas require stakeholders' engagement, and challenges associated with the implementation of the Legal Aid Act of 2017. TANLAP has implemented numerous activities associated with the provision of legal aid to the public that includes the following: conducting quarterly legal aid camps, facilitating legal aid clinics for legal aid services, conducting legal training for paralegals, supporting legal aid providers' registration, legal education, court representation and so forth. This is all as a means of ensuring legal aid services are made available and accessible to the legal aid seekers and it has strengthened institutional capacity and member networks by actively engaging them in various activities. One means of data collection for this analysis was through the collection of their views in respect to the implementation of the Legal Aid legislation. Key lessons learnt during the roll-out of the project has now given rise to this analysis process, to gauge the knowledge, attitude, and perceptions of the community in relation to this legislation.

¹ <https://sdgs.un.org/goals>

Key findings

ENABLING FACTORS

Foundational national and international legal instruments

Enabling factors to social justice in Tanzania are influenced by socio-economic/socio-cultural and political factors. The existence of a foundational Constitution in the country has provided a strong reference point for all other laws, including the Legal Aid Act of 2017. Ratification of international legal instruments has paved the way in strengthening access to legal services and in reaching the underserved in the community.

Institutional reform

A concerted effort has been made by TANLAP in close collaboration with the Government, Civil Society Organizations, Community-based organizations, as well as funders to review and reform the coordination structures when it comes to legal aid services. Specialization in legal aid services has been prioritized, and key functions such as the office of the Registrar revised and improved. Similarly, countries like Kenya and Uganda influenced the various approaches that Tanzania has now adopted, such as Advisory Boards in support of the office of the Registrar.

Referral mechanisms

Due to the complex nature of legal aid across the country, efforts have been made by TANLAP and other key implementing partners to reduce the barriers to communities, especially for people living with disabilities, women and girls who are the most vulnerable in society. Geographical barriers have been reduced to some extent by the deployment of trained/semi-trained paralegals to handle the case load at sub-national level. Cases are then reported and dealt with at the district level, and further appealed to the High court/court of appeals as the need arises.

Capacity building

Since the drafting of the bill and eventual enactment of the Legal Aid Act 2017, the Government together with TANLAP and other key stakeholders supported by USAID have been able to design and implement capacity building tools targeting formal and informal legal aid providers. The efforts have resulted in reaching the underserved and marginalized communities in a timelier manner. Paralegals and law enforcers have been trained on criminal and legal law, about 3,143 cases being reported in 2018. This

is an achievement compared to the previous years when there was limited access to legal aid in Tanzania.

Community-based mechanisms

Power structures are slowly being eroded as women and especially the youth are learning about their rights to justice and a fair hearing, depending on the type of offence/anticipated legal advice required by everyone. Paralegals have been providing face-to-face advice to local communities in both rural and urban areas, and their reach has extended all over the country. Local mainstream and social media avenues have given rise to increased access to information at the grassroots level.

BARRIERS TO ACCESSING LEGAL AID

Lack of awareness by the public

Despite the effort made by all state and non-state actors, many communities remain unreached, and therefore remain ignorant of the law and their statutory rights. Many marginalized communities and a high percentage of the population. In 2015, adult literacy rate for United Republic of Tanzania was 77.9 %. Though United Republic of Tanzania adult literacy rate fluctuated substantially in recent years, it tended to increase through 1988 - 2015 period ending at 77.9 % in 2015. By 2020, it stands at just over 80%.² Despite these promising statistics, language barriers and illiteracy still exist, and legal jargon in most courts of law exclude many citizens.

Lack of coordination

Numerous factors have influenced the coordination mechanisms that would have supported a healthier ecosystem for legal aid service provision in Tanzania. Laws are not yet harmonized, and funding streams are project-based, therefore there are disjointed efforts and mechanisms that further frustrate legal aid in the country.

Imbalanced power structures

² <http://uis.unesco.org/en/country/tz>

Societal norms and values have been a barrier to women and young girls in accessing quality legal aid services. Apart from the language barriers often experienced by grassroots communities, socio-cultural belief continues to perpetuate visible and invisible power over women, girls, youth, and the disabled in the community. Accessing legal aid becomes a challenge in these communities if these unequal power structures that promote gender discrimination and all forms of violence against women and girls are not addressed. For example, many are not aware of key aspects in inheritance laws, legal aid service locations and information, and their right to be heard and represented in a court of law. This means that they are exploited continuously.

Limited funding

Due to similar priorities, public funds are competed for by non-state actors, and are therefore scarce. The funds management for most organizations are usually no more than 3 – 5 years per cycle, and each donor has their own specific outcomes. As a result, resources for training paralegals and providing them with alternative income generation activities is inadequate, contributing to migration and non-sustainable initiatives.

Key recommendations

It is recommended that:

- Further research and documentation be carried out in relation to various community-based models as a response to the need for legal aid services in urban and rural areas.
- A concentrated effort should be done in the rural areas as these are hard-to-reach locations to provide gender and inclusive legal aid services
- Digital innovation around legal aid services have been designed, piloted, and assessed by different organizations, including LSF, a TANLAP partner. This would mean increased access to information via mobile technology, and this should be scaled up.
- Mobile legal clinics be increased, and efforts made to translate some of the legal jargon into easy-to-read flyers/videos/pictures that can be disseminated during events, campaigns, and at village assemblies.
- Training of Paralegals to continue via digital platforms to reach a much wider group
- Challenges faced by Paralegals should be reported back in a timely manner to avoid further delay of pending cases.
- Alternative means of funding through the district council and Community Development Funds be explored.

- Pilot an East-African based Paralegal association so that there is a platform for sharing ideas and exposure studies within the East African Region.

Lessons learnt

Community-based approaches that have proven successful are another area that is well-worth noting. Paralegals need to be given the attention they deserve, and further institutionalization of their roles and functions will go a long way in reaching the public and strengthening their capacities. Media and communication for community sensitization remain to be one of the strongest advocacy tools in promoting increased access to legal aid.

Key stakeholders can make much progress if coordination mechanisms and community participation through dialogue and civic engagement is prioritized. Justice for all in Tanzania is now becoming a reality, and hopefully, concerted efforts to by all actors will contribute to further successes in the years to come.

PART ONE

1. Background

Tanzania Network of Legal Aid Providers (TANLAP) is the non-governmental organization which was formed in 2006 by eight organizations: Comprehensive Community Based Rehabilitation in Tanzania (CCBRT); the Disabled Organization for Legal Affairs and Social Economic Development (DOLASED); Lawyers Environmental Action Team (LEAT); Legal and Human Rights Centre (LHRC); Tanzania Women Lawyers Association (TAWLA); Women in Law and Development in Africa (WiLDAF); Women's Legal Aid Centre (WLAC); and the National Organization for Legal Assistance (NOLA).

TANLAP work is an umbrella network that coordinates Legal aid providers (Civil society organizations - CSOs - in Tanzania) which provides legal aid services to the general community. Coupled with the main objective of coordinating legal aid providers in the country, the organization also builds capacity of its members by providing institutional support. It has contributed to improved coordination mechanisms such as identification, registration, and harmonization of the legal aid providers' capacity.

1.1 TANLAP Members

Network members of TANLAP are of various categories such as Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), Faith-Based Organizations (FBOs) and other institutions which provide legal aid services to the public. TANLAP as the networking organization has a main objective of strengthening legal literacy amongst legal aid providers; other key priority areas include:

- i. to extend and improve Legal Aid provision in the country.
- ii. initiate, promote and support (as may be deemed expedient), any proposed legislation or other measures affecting the interests of its members.
- iii. build mutual understanding and coordination amongst Legal Aid Providers and legal aid clients in the country.

1.2 Context

Before the enactment of Legal Aid Act, several legal aid providers used to provide legal aid service to various communities. Other instruments such as key policies, guidelines, and rules were reviewed by

assessing the level of alignment and harmonization of this Act. However, after the enactment of the law in question, legal aid service providers have now been able to sensitize the public on the same.³

Furthermore, several initiatives were made by NGOs in Tanzania in pioneering the enactment of Legal Aid Act, TANLAP, through its seventy-seven members, conducted advocating for the enactment of the law in question. Currently, TANLAP is implementing the “**Mwanamke Imara project**” which aims to provide legal aid services to the general community (under the activity outcome no. 1 – access to justice). The project operates in three regions namely: Kilimanjaro, Rungwe and Mbeya. The key focus over the past four years has been to review the relevance and applicability of this legislation.

Some of the measurable indicators when reviewing this law include reviewing performance of the law itself and measuring its effectiveness.

The assignment key focus areas are to analyze the following specific aspects of this law:

- (i) To assess implementation of the Legal Aid Act (LAA), 2017 since its enactment.
- (ii) To understand availability and accessibility of legal aid services since the enactment of the Legal Aid Act, 2017 and Regulations of 2018.
- (iii) To analyze quality of the legal aid service and its effectiveness to the provision of legal aid services as per the Legal Aid Act, 2017.
- (iv) To understand the fulfilment of the roles of the office of the Registrar of Legal Aid Providers to ensure effective implementation of the Legal Aid Act, 2017.
- (v) To identify areas for improvement and advocacy within the Legal Aid Act, 2017, for effective provision of the legal aid services in Tanzania.

1. Methodology

This assignment is an outcome of the baseline study conducted by TANLAP members who had critical concerns regarding the implementation of Legal Aid Act. It gave rise to the need to identify the challenges and opportunities since the enactment. Information and data used in this study was obtained from both primary and secondary sources. Primary data was mainly obtained through field work whereby individual and collective views and opinions were gathered targeting TANLAP members, community members, as well as the beneficiaries of the Mwanamke Imara Project.

³ The legal aid Act, 2017

A mixed-method approach was applied by collecting and reviewing secondary data as well as qualitative data collection. Quantitative data collection and analysis was not applied in this analysis exercise. This data was also used to obtain information through reliable sources such as statutes, reports, statements by government, international and local non-government actors.

Sample size

The interviewees included Key Informant Interviewees (KIIs), Focus Group Discussions (FGDs). Random sampling was used to collect data from different TANLAP members, where the interviewer used open-ended technique in extracting information from individuals. Respondents were picked from to represent the sense of national network that have members across the country.

Analysis process

The objective of this review is to the review for the implementation of the Mwanamke Imara Project which aims to improve an access to justice in Tanzania through objective outcome number 1 as elaborated above. This analytical study lays down a foundation for further research.

Analysis framework

The Socio-Ecological Model (SEM) was a tool of analysis used to identify the achievements, challenges, and possible recommendations with regards to the Legal Aid Act, and its impact on beneficiaries and duty bearers a like. The respondents were selected from various backgrounds, and the responses registered at an individual, family or household level, community, and societal levels. Gender analysis was also done to ensure that gender gaps and unequal power structures were documented for further advocacy and programmatic interventions by TANLAP and its stakeholders. Similarly, the **integral theory framework** to understand individual and collective responses was used.

Geographic Scope

The analysis was open to all members of TANLAP, which is the national network with members from all regions. The majority of respondents were picked from Dar es Salaam only few were picked various regions as the list of participants indicates.

PART TWO

2.1 Literature Review

The United Nations Development Programme [UNDP] (2016), communicated the concern in question by stating that, globally there is a growing attention to legal aid and a particular focus is on ensuring access to legal aid⁴. The UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems has defined the term 'Legal aid' to include information and other services provided targeting persons through alternative dispute resolution mechanisms and restorative justice processes."⁵

2.2 Study limitations

The only study limitation that caused a mild hinderance in this analysis is the COVID-19 outbreaks that happened in two separate waves in 2021. However, due to the strong presence of grassroots members of this network, adequate primary data collection was possible, supported by a thorough desk review of key documents.

2.3 International frameworks on Legal Aid

UNODC⁶ acknowledges the importance of improving access to justice in Africa by recognizing the importance of providing legal aid to suspects and prisoners which helps to reduce the length of pre-trial detention, prison overcrowding and congestion in the court. It also encourages ways and means of strengthening access to legal aid in criminal justice systems which is quite important. However, many countries in Africa lack the necessary resources and the capacity to provide legal assistance to their people. Therefore, to help policymakers, legal practitioners, NGOs, and all stakeholders' advocates should actively involve the African governments in criminal justice reforms in three ways which include:

- i. provision of the general knowledge needed to develop National legal aid service delivery strategies
- ii. offering alternatives to conversional models of legal aid delivery and lastly

⁴ The United Nations Development Programme. [UNDP] (2016). Legal Aid Service Provision; A Guide on Programming in Africa. New York, US

⁵ ibid

The United Nations Office on Drugs and Crime (UNODC) 2011. Handbook on Improving Access to Legal Aid in Africa. New York, US

- iii. to outline promising practices on the content – especially those suitable for post-conflict societies.

There are legal, policy and practical aspects of child-friendly legal aid programs in Africa. Child-friendly legal aid is certainly centered on provision of legal assistance to children in both civil and criminal issues focusing on accessibility, responsiveness to the range of legal and social needs faced children and youth; trained lawyers and paralegals can be used to communicate effectively with children. International, regional and most of the national legal frameworks are written in general terms that are not child-friendly, and the legal services provider needs to be able to provide the appropriate support to these children. This would in turn promote children's rights to survival and a fair hearing if incarcerated/reprimanded by the law.⁷

According to The United Nations Development Programme [UNDP] (2016), Legal aid is firmly set within the international human rights framework and can be provided in a variety of ways and by a diversity of models and actors, both state and non-state actors including paralegals. Throughout Africa, only a tiny proportion of those who need legal aid have access to it. Often, Lawyers are neither available nor affordable.⁸

The challenges in the provision of legal aid are interconnected with the overall barriers to the access of justice on the continent. Factors that hinder access to justice are not always based on financial problems which face most people in poor countries, but the main reason is lack of awareness and inability to exercise their rights. They are not linked to the state institutions which are responsible for protecting their rights.⁹ Their 'exclusion' is both cause and consequence of several factors that include the following factors that reduce access to justice:

- **Geographical:** The poorest communities live in rural areas far from the urban centers where most legal practitioners including lawyers work. This means that, they must take a long and expensive journey on bad roads from the nearest police post, courthouse, or administrative office.
- **Educational:** majority of individuals do not know their legal rights, duties, and any means of attaining or enforcing their legal rights.

⁷ The United Nations Children's Fund (UNICEF) and The United Nations Development Programme (UNDP), 2011. Child-Friendly Legal Aid in Africa. Dakar, Senegal

⁸ Article 7 of the Lilongwe Declaration

⁹ ibid

- **Linguistic:** Marginalized groups often do not speak the language(s) in which laws are written in and are unfamiliar with legal terms used in courts of laws and bureaucratic processes behind legal conducts. Majority are not able to defend themselves against injustice in the society.
- **Social:** number of established institutions face a challenge regarding lack of trust in institutions of the Government in promotion and protection of human rights. Therefore, since social-trust is non-existent, most people do not access their rights for justice from the statutory- established institutions, and thus they opt to find legal aid assistance
- **Cultural:** Marginalized and excluded communities meet their own needs, locally. A vast majority of cases that are resolved in communities through mediation or arbitration conducted by a relative, respected local person, religious leader, Chief, Tribal chief or elder.

These local and 'traditional' dispute resolution mechanisms or informal justice systems are valued as means of settling disputes quickly and cheaply, unlike statutory institutions/administrative institutions. In this context, it is important to note that such informal justice systems can also be regarded as relevant alternatives to formal justice mechanisms.

PART THREE

3 CASE STUDY ANALYSIS OF LEGAL AID PROVISION IN KENYA, RWANDA, AND UGANDA

The study in question has conducted a comparative analysis of three East African countries (Uganda, Kenya, and Rwanda) which provide legal aid services to the citizens. Emerging case study findings are mentioned in this analysis report that may have a bearing on the Tanzanian judicial system regarding legal aid; there are some key learnings that can be replicated within the East Africa Region.

3.1 Kenya

Legal Aid Act of 2016¹⁰ provides a sound legal framework for legal aid service delivery. Section 2 of the Act gives a broad and inclusive definition of legal aid. In addition to the Regulations, the National Legal Aid Service has put in place a Code of Conduct for Legal Aid Providers. The establishment of the National Legal Aid Service, and the Legal Aid Fund. The anticipated publication of the Regulations and Code of Conduct reinforces the existing legislative and regulatory framework for the administration of legal aid service delivery in Kenya.

The National Legal Aid Service (NLAS) works closely with the Judiciary, the Police, the Department of Correctional Services, the Department of Children Services, and other justice institutions which may call for financial consideration such as grants of legal aid service provision. NLAS administers the legal aid fund, which is financed by budgetary allocations from the consolidated fund as well as gifts and donations from citizens and Development partners; and the Service coordinates legal aid service delivery throughout the country¹¹. The governance Board of the Service is composed of representatives of CSOs, the Treasury, the Judiciary and other state and non-state agencies in the justice sector¹². Provision of legal aid service in the country uses the mixed legal aid model of service delivery which involves both state and non-state actors and agencies.

¹⁰ http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%206%20of%202016#part_II accessed on 01/05/2021

¹¹ **Conference Report (2018). Promoting Access to Justice through State-Funded Legal Aid Schemes: Building Platforms for the Engagement of Legal Aid Networks and the Formal Justice Systems**

¹² *ibid*

The key achievements of NLAS include the following: (a) the adoption of ADR mechanisms in conflict management and dispute resolution; (b) streamlining interagency referrals and coordination of training of legal aid service providers and (c) development of policy documents to guide implementation of the Legal Aid Act, 2016.

The challenges faced by LAPs in -Kenya include the following: (a) inadequate funding in the face of high and increasing demand for legal aid services to the communities; (b) high demand for legal representation; (c) low uptake of pro-bono services among lawyers; (d) inadequate human capacity; (e) high operational expenses on legal aid service; (f) low uptake of mediation as a cost-effective means of dispute resolution; (g) long court processes; and (h) power imbalance in community justice systems administered by Councils of Elders (which are dominated by men), which make women uncomfortable before them.

3.2 Rwanda

The Rwanda National Legal Aid Policy of 2014 obligates the Government to provide legal aid services through a state or non-state agency mandated to oversee legal aid service delivery in the country¹³. The Constitution and the Law governing the exercise of the judicial authority of the Supreme Court and other judicial institutions provide the legal framework for the provision of legal aid in Rwanda.

In addition, the Law under which the Rwanda Bar Association is established imposes an obligation on lawyers to provide pro bono services, which necessitate the Ministry of Justice to make budgetary allocations in support of the program.

The Legal Aid Forum is one of the most innovative programs in Rwanda. Since 2009, the government has utilized ICT innovations to disseminate information and create legal awareness among the community. Rwanda commemorates the legal aid week every year organized by the Ministry of Justice in collaboration with the Rwanda Bar Association; and the program mostly benefits thousands of people¹⁴.

Financial constraints present the greatest challenges to Rwanda's legal aid programs. The Government is only able to finance the retention of officers in National legal aid bureaus across the country which leaves out many non-state agencies that play a critical role in the promotion of access to justice through legal aid.

¹³ Republic of Rwanda. (2014). National Legal Aid Policy

¹⁴ ibid

In addition, the legal aid guidelines have only recently been approved and devolved. The rising demand for legal aid services in Rwanda is far from being met as regarding the challenges associated to finance and alike.

3.3 Uganda

The Uganda Law Council Regulations for Legal Aid are currently under development. However, Uganda has in place Uganda's National legal aid framework which responds to international and regional standards, and on Articles 8 and 20 of the Uganda Constitution, which guarantees the right to legal representation for people charged with capital offences¹⁵.

Uganda's legal aid policy is awaiting Cabinet approval to set the stage for legislative framework; however, the delay has prompted civil society organizations in the justice sector to sponsor private member motions to compel the Attorney-General to initiate the legislative process toward enactment of statute on Legal aid.

One of the initiatives launched by Civil society organizations in Uganda is the "Justice Centers Uganda" which is a Public legal aid Model funded by development partners. This model engages paralegals and the Uganda Law Society under its pro bono program initiated by the Uganda Law Council and implemented by the Uganda Law Society, whereby every advocate is obligated to provide at least 40 hours of pro bono service every year as a condition for renewal of their practicing license. Over fifty-four civil society organizations have provided legal aid services in one form or the other during the last 40 years. Another state initiative is the State Brief Scheme, whereby service is limited to the scope of legal representation on capital offences such as life imprisonment punishment, murder cases, aggravated defilement etc. However, lawyers' fees for state briefs are low and there are no incentives built into the scheme to encourage Advocates to accept such cases.

Additionally, state briefs only cover the trial proceedings and do not spread to advice or representation on appeal; and it excludes those charged with serious (non-capital) offences in the lower courts that face extensive prison terms.

The main challenges facing effective legal aid delivery in Uganda includes the following: (a) high demand for legal aid – 80% of Ugandans cannot afford legal services; (b) insufficient and uncoordinated legal framework, with no proper state-funded scheme in place; (c) ethical issues and concerns among legal aid providers; (d) the donor-driven nature of most public aid schemes, raising issues of sustainability in the face of donor fatigue and shifting priorities in international development programs.

¹⁵ LASPNET (2017) Making a Case for State Provision of Legal Aid in Uganda

PART FOUR

4 Legal aid service in Tanzania

The analysis reviews the provision of legal aid services in the country before the enactment of the Legal aid Act (2017) and after the enactment and implementation.

4.1 Situational analysis of the provision of legal aid before the enactment of Legal Aid Act

Provision of the legal aid service to the community is for the promotion and protection of human rights. Before the enactment of this act, the constitution and other legislations used to promote and protect human rights and took precedence. Article 13 (6) and Article 15 (2) of the constitution promotes the right to a fair hearing, fair trial and rule of law which carries with it the right to legal representation¹⁶.

Another legislative reference was the Legal Aid Act (Criminal Procedure) Act of 1969. The law provided that, in criminal proceedings where it appears desirable to the certifying authority¹⁷ – for the interest of justice, that accused person should have legal aid in the preparation and conduct of his defense or appeal and his/her means are insufficient and therefore be assigned an advocate for such regard¹⁸.

The Criminal Procedure Act of 1985 promotes and indeed protects the rights of the accused person. The law provides that any person accused before the criminal court other than primary court has the right to be defended by an advocate of the high court¹⁹. Therefore, about the provision of the laws in question legal aid services were promoted and provided to assist the accused person in accessing his/her rights that would result in a ‘fair trial.’

4.1.1 Challenges before enactment of the Legal Aid Act, 2017

It is undisputed that, before enactment of the law of Legal Aid Act in 2017, there were several challenges:

¹⁶ Consequence for the refusal of legal aid provision by the certifying authority such as magistrate – omitting to send the proceedings to the certifying authority for consideration of legal aid, the trial will be held to be nullity. In the case of *Laurent S/O Joseph and Another V. Republic* 1981 TLR 351, it was held that legal aid is mandatory on cases of capital offences such as murder and treason etc.

¹⁷ Certifying authority includes Chief Justice, Principal Judge of the High Court, Judge in charge of the district registry and the Resident Magistrate.

¹⁸ Section 3 of the Legal Aid (Criminal Procedure) Act, 1969

¹⁹ Section 310 of the Criminal Procedure Act [R.E 2019]

1. Provision of the legal aid service was limited to criminal cases only. It was not a mandatory requirement in civil cases.
2. The provision of legal aid service was under the control of judiciary (Certifying authority), which was given or provided for discretionarily.
3. The legal aid service among legal aid providers was not harmonized.
4. Lack of maximum coordination of activities done by CSOs/ or NGOs in providing legal aid services to communities.
5. There was no single law that carters for the legal aid service provision in the society.

4.2 Legal Aid service after the enactment of LAA

Since independence, there has never been a single law supporting for of legal aid services in Tanzania until 2017. The Statute was passed to coordinate activities and services provided by legal aid providers in the county, to increase access to social services, and to recognize paralegals and emphasize the use of Information technology in the provision of legal aid to general community.

Features of the Legal Aid Act are as follows:

1. Establishment of Legal Aid Advisory Board
2. Establishment of the office of the Registrar of legal aid providers
3. Widening the scope of legal aid to cover both civil & criminal cases
4. Recognition of Paralegals
5. Set standards for LAPs and Paralegals

Enactment of the law in question ensures commitment of the government of Tanzania to adhere national and international legal standards in embracing justice through formal judicial bodies and non-formal decision-making institutions.²⁰ Constitution United Republic of Tanzania (URT) of 1977 and the Legal Aid Act of 2017 both recognize the provision of legal aid on criminal²¹ and civil matters.²² The enactment of this law has helped in ensuring that duty bearers are held accountable and that they provide the assistance required by the beneficiaries. Such duty bearers include judicial officers (magistrate and judges), prison and police. They have been instrumental in supporting paralegals in ensuring that

²⁰ [Cap 21 RE. 2019, G.N No. 217 of 2017]

²¹ Section 33, 35 and 36 of the Legal Aid Act [G.N No. 217 of 2017]

²² Section 27, 29, 31, and 32 of the Legal Aid Act [G.N No. 217 of 2017]

accused persons, detainees, and those in need of legal aid services are helped in time for the interest of justice²³.

The Ministry of Constitutional and Legal Affairs (MoCLA) is responsible for organizing and supervising the Legal Aid service providers. The Act has also established a National Legal Advisory Board which is composed of several reputable persons who are normally appointed by the Minister responsible²⁴. The main functions of this advisory board (among others) are to provide policy guidelines to legal aid providers, and to advise the Minister on policy and other matters of relevance with respect to the improvement of legal aid provision in the country²⁵.

4.2.1 Office of the Registrar

The Legal Aid Act of 2017 developed new processes, one being the fact that registration of legal aid providers is now conducted from district level to national level²⁶, whereby, the officer of registrar is responsible to the Ministry of legal affairs. MoCLA's²⁷ function is to register legal aid providers, inspect the office of legal aid providers and ensure legal quality service delivery to the community. This Ministry also monitor the functions and reporting mechanisms of the Legal Aid providers, and they coordinate and facilitate formulation and accreditation of curriculum for training paralegals in consultation with legal aid providers. MoCLA promotes legal literacy and legal awareness to citizens and enables them to understand their rights and duties²⁸.

The office of the Registrar is headed by the Permanent secretary of the in MoCLA, and the registrar is assisted by several officers in the Ministry, from district to regional level. The appointed assistant registrars who are also the public officers of the respective district or regions are answerable to the registrar²⁹ as depicted in the chart below.

²³ Section 24 and Section 20 of the Legal Aid Act [G.N No. 217 of 2017]

²⁴ Section 4 (2) *ibid*

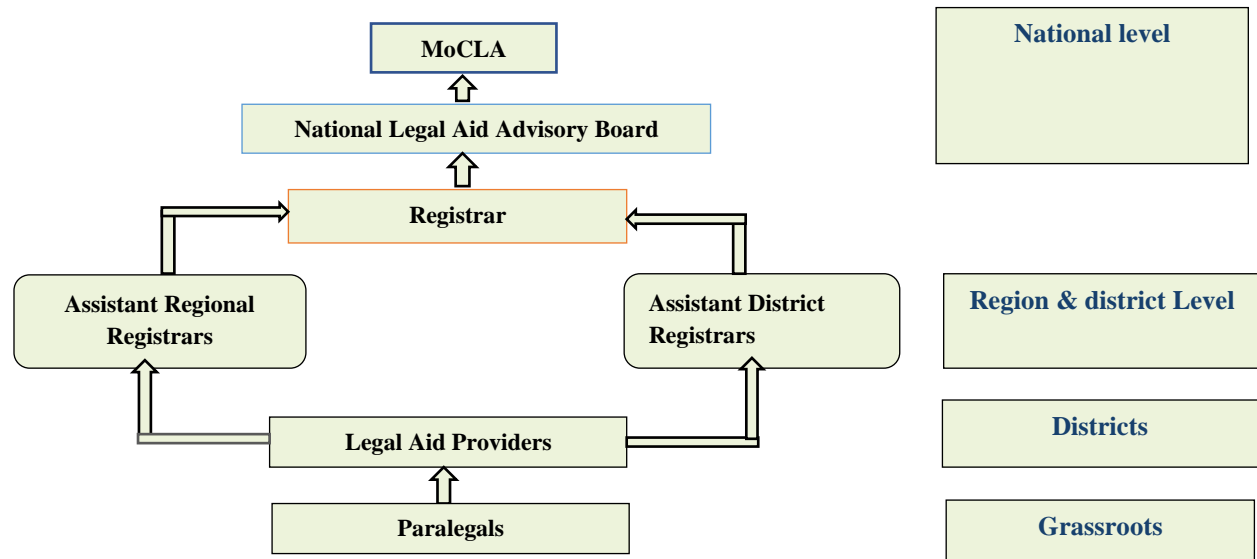
²⁵ Section 5 (a) and (b) *ibid*

²⁶ Qualification for registration under Section 10 (1) of the Legal Aid Act [G.N No. 217 of 2017] and Regulation 5(4) of the Legal Aid Regulations G.N No 44 of 2018.

²⁷ Section 6 (2) of the Legal Aid Act [G.N No. 217 of 2017]

²⁸ Section 7 (a), (b), (e) and (f) of the Legal Aid Act [G.N No. 217 of 2017]

²⁹ Section 8 *ibid*



4.2.2 Paralegals

The Legal Aid Act 2017 has recognized paralegals as legal aid service providers. The law also regards Paralegals as accredited persons certified to provide legal aid services after completing necessary training in the relevant legal field of stud. They are. Paralegals are permitted to conduct legal education programs on different legal matters, assisting the community members to obtain necessary documents, offering advice on how best to get access justice, and can be arbitrators for conflicting parties³⁰.

“Unlike before, today there is a good relationship and mutual respect and clear separation of duties among us (LAPs) and the law enforcers to an extent that the courts have been advising some legal aid seekers to come to us.” Respondent

Furthermore, the law has outlined matters which a paralegal is restricted to perform including charging fees to an aided person for the provision of legal aid, engaging themselves in any activity that is reserved for Advocates including court appearances before any court of law in Tanzania and any other relevant activity under the written laws.³¹

³⁰ Section 20 (2) of the Legal Aid Act [G.N No. 217 of 2017]

³¹ Section 20 (5) of the Legal Aid Act [G.N No. 217 of 2017]

4.2.3 Opportunities under the Act

- Harmonization of the activities conducted by NGOs/ or CSOs into different district or regions under the inspection of designated registrar.
- Legal aid services are coordinated, monitored, and evaluated.
- Established information sharing channel between the government and legal aid providers in the country.
- Maintenance of quality legal aid education, legal aid service and service delivery to the general community.
- Observation and management of legal service reports at national level.

Therefore, the office of the registrar as established under the Act oversees and facilitates registration processes and ensure qualifications of the legal aid providers countrywide.

PART FIVE

5 Access to Justice

Access to justice in Tanzania is evident in the Constitution of United Republic of Tanzania (1977) for the promotion and protection of Human rights. Article 13 (1) of the Constitution has clearly stated that:

“Access to justice is a constitutional right which has been guaranteed by the Constitution as the overarching law of the land (“Sheria Mama”). Article 14 of the International Covenant on Civil and Political

Rights (ICCPR)³² which was ratified by Tanzanian government in June 1977 is also aligned to this international legal instrument.

In Tanzania access to justice can be through both judicial and quasi-judicial bodies vested with the power to determine the rights and duties of citizens.

“The number of people seeking legal aid services has been on the rise since the enactment of Legal Aid act, 2017. The increase is attributed to the proximity of legal aid providers especially paralegals and the legal aid awareness campaigns that have been taking place through different media platforms” – Respondent

5.1 Legal Aid in formal Justice System in Tanzania

The judicial bodies under the formal system of dispute resolution began with the Ward Tribunals, where its appeals go to Primary Courts, then the District Courts. The highest court is the Court of Appeal, which hears appeals from the High Court. At the grassroots level, the Ward Tribunals and Primary Courts are relatively accessible³³. The listed tribunal and courts were borne out of the statute and the Constitution of the Government of Tanzania, and this has made provision for the establishment of an independent pillar of the government which is the Judiciary. The main objective is to ensure that the principles of rule of law and good governance protect citizens and community members. Legal aid service the justice system includes the following: preparation of documents, legal aid education, legal advice, and court representation.

³² 1966

³³ Pp.10, Twaib, Fauzi – Legal Empowerment of the Poor: Access to Justice and Rule of Law. http://repository.out.ac.tz/1643/1/Access_to_Justice_in_Tanzania.pdf Accessed on 20th October 2021 at 05:00am

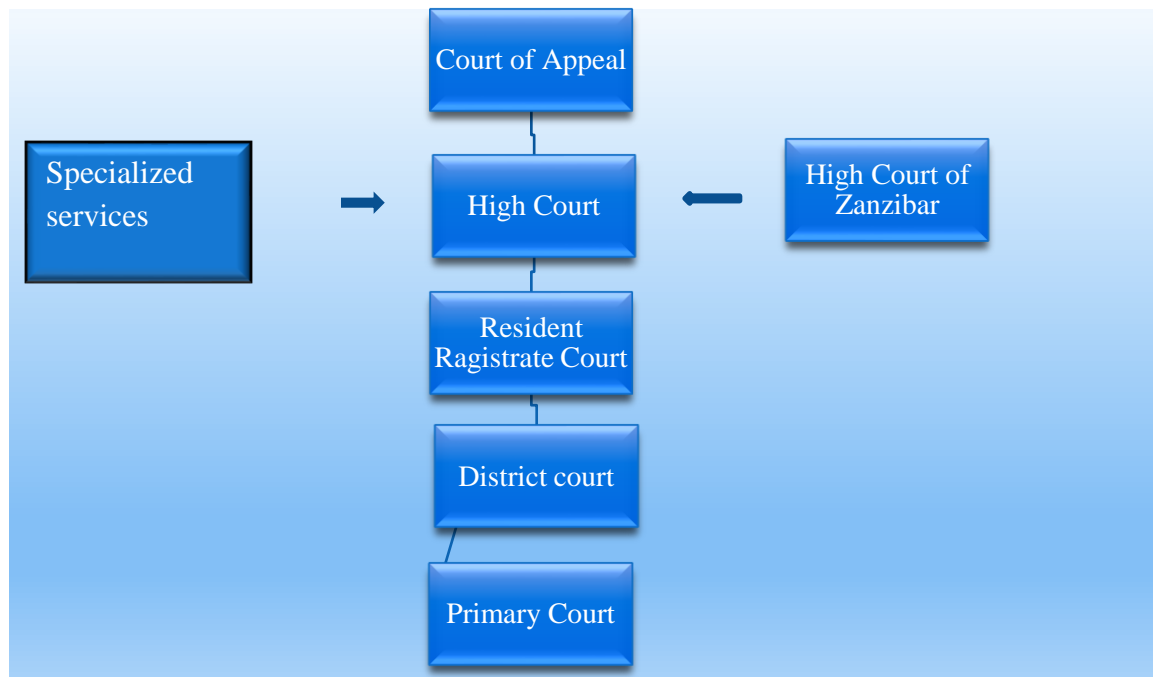


Figure 1: Legal judicial system structure in Tanzania

5.2 Informal structures for providing legal aid in Tanzania

Under the informal justice system, the legal aid provision is centered on the resolution of disputes and regulation of conduct by the adjudication of a neutral third party³⁴. The informal justice system (IJS) is influenced by social-cultural and economic factors. The IJS includes various actors such as religious authority figures, local administrative authorities, tribunal/ clan social structures, community forums for conflict resolution, as well as constituted-court annexed mechanisms for dispute resolution which adopt or use alternative dispute resolution (ADR). The legal aid providers engage themselves in informal justice systems by assisting people to gain access justice.

Another form of ADR which is a good practice in Tanzania is '**court annexed**,' and it has now mandatorily been observed before disputants' resort to court process. The provision of section 96 (10A) 2 (c) and (d)³⁵ ADR involves conciliation, negotiations, mediation, and arbitration. However, the most practiced informal method in ADR is reconciliation, negotiation and sometimes mediation.

³⁴ The United Nations Development Programme. (2016). Legal Aid Service Provision; A Guide on Programming in Africa. New York, NY

³⁵ The Arbitration Act (No 2 of 2020)

“We are attending up to 100 cases per month and most of them are brought in by marginalized people especially women.” - Respondent

Mid-2020, TANLAP collaborated with other three (3) non-governmental organizations: KWIECO, Women in Law and Development in Africa – WiLDAF, and Tanzania Association of Women Lawyers - TAWLA). The organizations formed a

consortium and was awarded the ‘Mwanamke Imara Project’ funded by USAID-Tanzania. The main goal of this project was to empower women and young people to experience more gender justice, address issues of Gender Based Violence (GBV), and to amplify the voices of women in leadership. The project also contributed to increase in the number of women in decision making processes and governance and promoted economic empowerment.

5.3 Objectives of the Mwanamke Imara project

- a) Increase women and girls’ access to justice on rights-based issues (land and property rights, inheritance, and gender-based violence) in Mbeya, Njombe and Kilimanjaro.
- b) Increase women and young people’s voices and participation in leadership, decision-making structures, and governance Mbeya, Njombe and Kilimanjaro.
- c) Strengthen women and youth economic groups by enhancing their access to information and control over resources in Mbeya, Njombe and Kilimanjaro.
- d) Embrace gender equality and social norms in campaigning against Gender-based violence in Njombe, Mbeya and Kilimanjaro.

PART SIX

6 Key findings

6.1 Analysis of responses to the Implementation of the Legal Aid Act

The Legal Aid Act (2017) was enacted for the purpose of regulating, coordinating, and providing legal aid providers adequate knowledge of the law, and it set standards or prerequisite qualities which a legal aid provider should possess. It also guided on how criminal and civil matters should be dealt with. The law has established a coordinating board for that guides the legal aid providers through the office of the Registrar regarding registration and referrals.

TANLAP members who were interviewed discussed several issues from a legal perspective. References are made regarding the implementation of the Legal Aid Act (2017) which influenced the enactment of Legal Aid Regulations of 2018 together with rule governing of 2019.

6.1.1 Timely intervention of the law

“The act has increased access to legal aid services in the community, especially to poor women who could not afford to hire a lawyer.” – Respondent

The Act facilitated the timely provision of legal advice and processes that promoted access to justice, especially for vulnerable and marginalized groups including children, women, and young people. The respondents noted that the office of registrar played a significant role in supporting timely registration of paralegals who work in remote areas.

6.1.2 Awareness raising about legal aid services

“Before we would attend to less than 15 people a week but now, we receive more than 21 people”. – Respondent.”

Through the LAA, paralegals and other service providers have increased access to legal services by raising awareness of their location and how to receive legal aid countrywide. The respondents recognized the importance of the national structure that has institutionalized Paralegal units that eased coordination and harmonization of work done by legal aid providers under the office of registrar.

It has been proven that the number of people seeking legal aid services after 2017 has increased which is due an enabling environment in the legal systems and through the legal aid providers who raised much awareness to the communities. Additionally, the Legal Aid Act, 2017 enactment has also led to improved relations and mark separation of duties among Legal aid providers and the law enforcers.

6.2 Outlined challenges to the implementation of legal Aid Act, 2017

While there is a reported increase of cases in access to legal services, some challenges in implementation of legal aid Act against legal services were also identified. Some of the challenges included inadequate funding to meet the high demand for legal services as well as compliance issues and so forth.

“Fund is an issue, like for us we are implementing Haki Uchumi Project, donor provide funds for specific and approved activities in the project, but legal challenges outside the scope of the project at hand are quite many.” - Respondent

Interviewed participant stated other challenges to include the following:

Lack of funds came out quite strongly as a major obstacle amongst key respondents. There are no funds set aside by the government to support these operations. Ultimately, this has led the legal aid providers to vastly rely on donor funds such as USAID Tanzania, Legal Services Facility (LSF) and so forth. As one of the interviewed legal aids providers stated:

Lack of funds has forced some of the paralegals to engage in other income-generating activities like becoming motorbike drivers ('Boda boda' riders), venturing into the tent-hiring business, chicken farming and so on. This is an indicator that legal service provision for all may not be sustainable in the

future if the aspect of funds is not taken into thoughtful consideration. This in turn may jeopardize rights of the victim.

6.2.1 Compliance issues

Compliance issues and multiple fees were also highlighted by the participants being an impeding factor for Legal Aid provider organization's prosperity and sustainability of services, in safeguarding access to justice for the public.

6.2.2 Limited qualified legal aid providers

In addition to the challenge faced by the public regarding multiple fees highlighted above, paralegal certification requires a minimum education level of at Form four, plus minimum standard requirements for basic legal training courses. The challenge here is not only the limited number of qualified candidates, but the retention rate of these trained paralegals is minimal, and they migrate to different localities over time. Therefore, there is no continuity of services to solve urgent legal matters.

"While we are not paid for the services, we provide we are yet required to pay 30,000/= per year to the Ministry Constitutional and Legal Affairs, 80,000/= as annual Non-Governmental Organization registration fee, 50,000/= for paralegal or 60,000 for an institution annual fee to the Ministry of Health, Community Development, Gender, Elderly and Children and 30,000/= annual fee for each paralegal." - Respondent

6.3 Availability and Accessibility of legal aid services to vulnerable people

"It has been relatively easy to get legal aid services as paralegals are widely available unlike before." - Respondent

The study revealed that there has been a remarkable improvement in the availability and accessibility of legal aid services following the enactment of Legal Aid Act, 2017. The availability of paralegals in the grassroots coupled with the growing network of other organizations providing legal aid services and government support has made

legal aid services to be easily available and accessible.

The government through the office of the registrar and assistant registrars has played a key role in enhancing the availability and accessibility of legal aid services through registration, monitoring and

facilitation roles. The study further revealed that women are the leading group in terms of seeking legal aid services. TANLAP database indicate that since 2018 to date a total number of 3,143 cases were reported, 1,757 (55.9%) of which were reported by female and the rest 1,386 (44.1%) cases by the male.

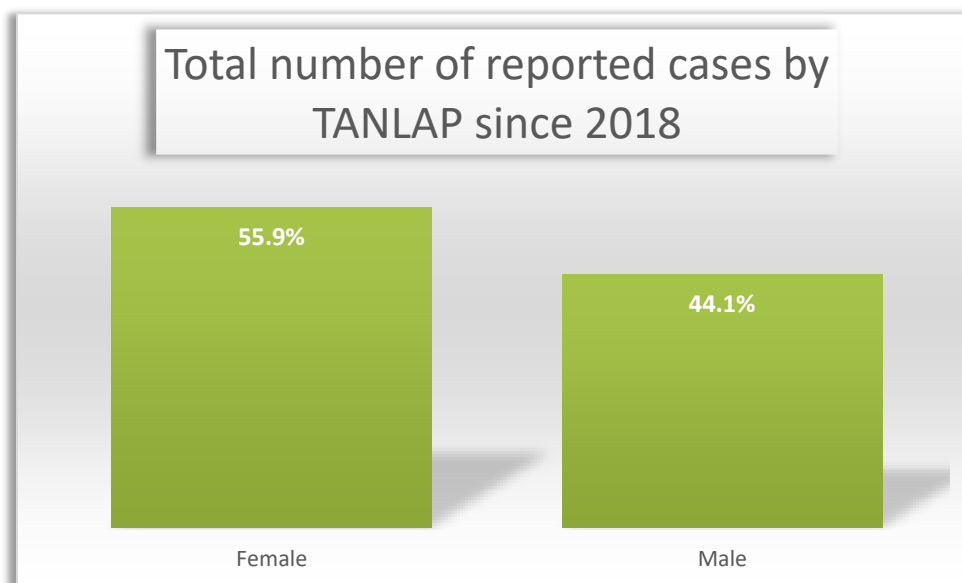


Figure 2: Total number of reported cases

The high number of cases were reported by females which is because, women and young girls are likely to be more vulnerable compared to men. Additionally, 92% of all reported cases were civil (2,892 cases – probate, matrimonial/family, land, child maintenance, tort, contract, labor, and employment) and 8% criminal (251 cases – rape, murder, sexual harassment, impersonation, provocation, robbery, theft, and offences causing injury to property).

“Women adapt things quite early, and they have a tendency of telling each other when they hear something about their affairs, so it is easy for them to access legal aid services.” Respondent

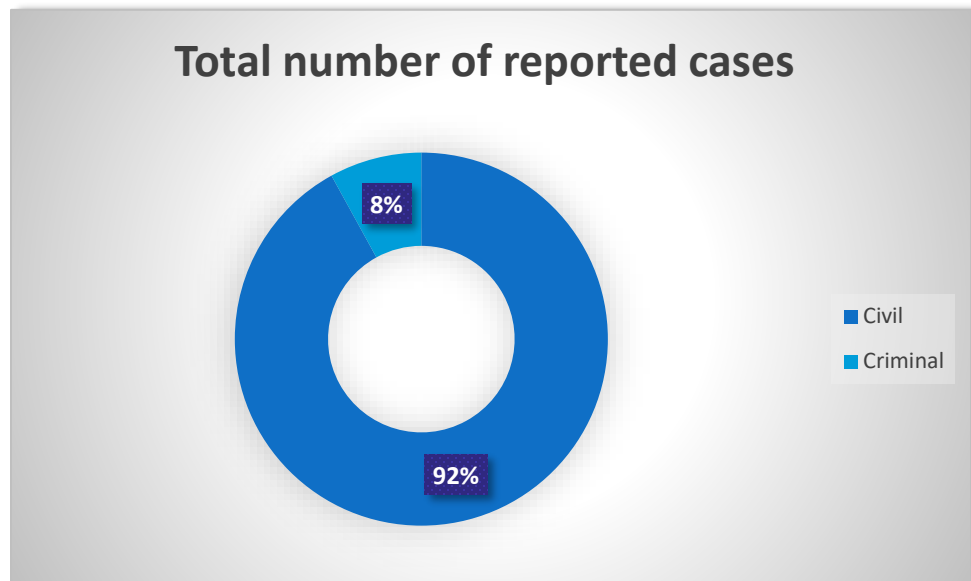


Figure 3: Total of the types of reported cases

6.4 Media engagement as a tool for transformational change in legal processes

“We use different channels like TV, Radio, Newspapers and social media platforms to educate people on legal matters including the Legal Aid Act, social media platforms seem to be very attractive to young people as most of them have smartphones, if you post something on Instagram or Facebook you will notice several followers and comments are from young people.” – Respondent

Legal Aid Providers are using different traditional and social media channels (TV, Radio, Newspapers, Facebook, Instagram, and WhatsApp) to disseminate information. Many legal aid providers interviewed said that social media platforms have been quite attractive to young people because most of them have smartphones and they have interest on searching for news and

so opportunities around.

Sensitization and mobilization campaigns mainly focus on women and young people while few of them deal with elderly people. Majority of the interviewed civil society organizations and Legal aid service providers did not have any special program/ or activities – linked direct to elderly people although they admitted that elderly people commonly report land boundaries and inheritance cases. The table below indicates the number of cases reported by age since 2018 to date.

CASE PER AGE DISTRIBUTION	
Age intervals	Number of Cases
Under eighteen	162
18 – 35	649
36 – 45	1005
46 – 55	665
56 – 65	345
Over sixty-six	254

Table 2: Cases on age description since 2018 to date³⁶

The data above indicates the middle-aged group (36-55) who report more cases about 53% than rest of the age groups. On the other hand, although less engaged, the elderly people (56 – over 66 years) reported just slightly fewer cases than those reported by the younger ones with age of 18 – 35 years old. Generally, legal aid services are more available and accessible following the enactment of the Legal Aid Act, 2017.

“It has become much easier for both beneficiaries and legal aid providers, after enactment of the law, we are now getting cooperation and respect from the government officials especially assistant registrars who are all over the country to support our engagements in embracing an access to justice.” - Respondent

“In rural areas, it is still difficult as the majority of the people are not aware of the legal aid services and some of the ward executives are also less informed about what we do, so you have to explain yourself and convince them a lot.” – Respondent

However, some of the interviewed participants pin-pointed the question of familiarization of the law in question in rural areas with regard of the legal aid services and accessibility of Legal aid providers.

It is evident that there are number of good initiatives implemented by the government through the office of the Registrar of Legal aid

providers in the country; they have launched programs and implemented projects in various parts of

³⁶ TANLAP Data system management

Tanzania to ensure justice for all is attained. However, there are barriers to increased access to social justice.

“In rural areas, it is still difficult as the majority of the people are not aware of the legal aid services and some of the ward executives are also less informed about what we do, so you have to explain yourself and convince them a lot.” – Respondent.

A respondent said that “not all wards have legal aid service centers; consequently, it becomes a challenge for poor people who cannot afford even transport fare for travelling from one place to another seeking for legal aid service where centers for legal aid are

situated – ends up losing their cases.”

6.5 Available mechanisms for providing legal services to marginalized people

“We designed an application called Msaada wa Kisheria App to make it easier for legal aid service seekers to access improved services, especially young people, because they are the main users of smartphones.” - Respondent

The analysis revealed several mechanisms that have been adapted by Legal aid providers to reach out to marginalized people ranging from conventional media channels such as newspapers, radio, TV, as well as social media platforms (Apps, WhatsApp messaging, and so forth.

The Tanzania Legal Aid Report, 2017³⁷ documents other mechanisms to reach to marginalized communities in need of legal aid service includes preparation and participation in “Law Day week” which attempt to offer several services including Legal assistance, legal awareness and referral on legal issues which require court representation. Legal Aid Week in Tanzania has been coordinated by Tanzania Network of Legal Aid Providers (TANLAP), the Legal Aid Secretariat (LAS) in collaboration with the bar association for this purpose Tanganyika Law Society (TLS) which coordinates its members to offer legal service pro bono.

Media engagement (radio and television programs) have played a significant role in increasing more awareness to the public on how best to access legal aid services. Another innovative idea which is used is to include the use of Free-hotlines and telephone calls, and TANLAP partners instrumental in this

³⁷ Tanzania Network of Legal Aid Providers. (2017). Tanzania Legal aid Report.

intervention include WiLDAF, LHRC, WLAC and TLS with support of Legal Service Facility (LSF). These partners have provided an enabling environment for community members from distinct parts of Tanzania in obtaining legal aid services.

6.6 Capacity of Legal Aid Providers

Other key findings of this analysis indicated that there have been several capacity building interventions that were provided to legal aid service providers. These include but are not limited to; education on the Legal Aid Act of 2017, legal knowledge in general, bookkeeping, starting, and running small income-generating projects for sustainability, and so forth.

“Funding is the main challenge for small organizations and paralegals as they are faced with high staff turnover, and they cannot manage to have essential working tools like transport to reach out people who need legal aid services.” – Respondent

The Registrar’s office through assistant registrars has played a significant role in building the capacities of legal aid providers. Several legal aid providers including WiLDAF, and TLS have participated in building the capacity of paralegals. TANLAP as an umbrella organization has been consistently active in providing legal aid training. Despite all these interventions, funding sources are scarce, therefore services are not sustainable; some donors have provided funds to support

legal aid services, but those funds are project-based and so any other critical legal challenges outside of the funded project is left unattended. Few organizations like TLS and faith-based organizations have enough capacity to provide these services because they are composed of competent human resources and adequate funding to run their operations without much of a problem.

A key finding was that not only is the scope and duration of the courses limited retention of the quality legal aid specialists is high. Mechanisms for retention are pegged on the availability of funds, skilled trainers, and community awareness. This gap poses barriers to accessing quality legal aid service delivery.

“For now, we have adequate capacity to provide legal aid services, we have members everywhere and offices in 14 regions ...” Respondent.

6.7 Legal Representation in Tanzania

Challenges facing the provision of legal aid in reaching access to justice for all in Tanzania include the following:

- Lack of uniformity against the national standards which deal with the provision of legal aid services. Most legal aid providers offer legal aid services to the general community guided by donor requirements which ultimately results in un-holistic approaches. Furthermore, each donor has strategic priorities which must be fulfilled so the effort is disjointed.
- Lack of national monitoring mechanisms and coordination of legal aid networks result in barriers to ensuring legal aid service delivery is measured and maintained.
- Tanzania is a vast country, and geographical scope has been sited as one of the major challenges in reaching the underserved. Legal aid services are more available and easily accessible in urban areas compared to rural areas.
- Paralegals are not institutionalized/ or recognized in the legal system compared to lawyers and advocates.
- Community demand of legal aid services versus supply of the legal aid service delivery to the community, is another challenge which requires urgent attention.
- Paralegal's affiliation and responsibility mostly reflect the donor fund requirements/ or demands rather than responding to the legal challenges facing the community.
- Qualifications for an assistant registrar of legal aid providers should be specialized services to ease the process for registration.
- Synchronization of the Advocates Act and the Legal Aid Act to capture intention/ or the access to justice for all needs to be a priority, to harmonize and align the various laws and enactments.
- Legal aid service to juveniles should be of the child-friendly legal aid mechanism whereby the legal aid provider is encouraged to have a specialized knowledge of children care as international standards require.
- Regular training and legislative awareness of the Legal Aid Act to law enforcers especially Police and Prison officers is highly required for improving an access to justice to detained people.

PART SEVEN

7 Recommendations

7.1 Recommendations to the Government

It is recommended that:

- a) The government continues with literacy programs, especially targeting women and girls so that their agency and decision-making power is reinstated; this will increase the chances of exercising their human and women's rights.
- b) The government together with development partners form easy/ or implementable income-generating programs which will empower most of the public, especially women and young girls, to build their financial capital. Furthermore, the women and young girls will be able to build confidence to challenge unequal power structures that inhibit access to legal aid in Tanzania.
- c) The Government through the officer of the Registrar to reduce registration fees to enable non-funded organizations, especially paralegals, to register their units for the provision of legal aid services to the public.
- d) The Registrar's office to appoint assistant registrars with legal professional backgrounds to provide technical and administrative support for faster registration of LAPs, especially at the grassroots level.

7.2 Recommendations to Civil Society Organizations

- a) TANLAP and other network organizations are encouraged to consistently offer capacity building interventions and/ or trainings to other CSOs and Paralegal units over promoting and protection of human rights in ensuring access to justice is being attained and improved.
- b) CSOs are also recommended to assist other legal aid providers in the registration process to increase availability of legal aid services to the general community.
- c) CSOs are encouraged to think of alternative ways of ensuring availability of legal aid service when donor fund projects have phased-off.

7.3 Conclusion

Human rights promotion and protection is only possible if an individual seeks and obtains justice from formal and informal institutions which determine ones right/ or fate. Barriers and enablers exist to promote social justice. If these barriers are not addressed on time, the underserved will continue to struggle to access legal aid, and the referral mechanisms that are part of the judicial system do not function as required.

Barriers to accessing legal aid have been listed in this analysis. For the public to attain their rightful legal support, key implementers led by the government need to carefully consider legal normative protection considerations, legal awareness creation, and law enforcement. Tanzania has ratified and signed most of the international legal instruments, and now the effort needs to be increased in enacting, harmonizing, and enacting these laws.

The underserved that include certain ethnic groups, people living with disabilities, women and the youth are in dire need of legal aid services. Multisectoral approaches that have worked in other countries are promising practices that the Government of Tanzania can replicate through piloting schemes for scale-up at a national level.

ANNEXURES

LIST OF INTERVIEWEES

The attached list herein depicts number of contacted organisations which respond for the interview to gather their personal observations, suggestions, and opinion which make-up for the report in question.

S/N	Organisation	Interviewee
1.	TANLAP BOARD CHAIRPERSON	DR. HELEN KIJO-BISIMBA
2.	TANLAP STAFF	
3.	DYNAMIC WOMEN FOR PRODUCTIVE INITIATIVE	ADV. GENEVOVA KATO
4.	TANZANIA WOMEN LAWYERS ASSOCIATION	ADV. TIKE MWAMBIPILE
5.	WOMEN IN LAW AND DEVELOPMENT IN AFRICA	ADV. ANNA KULAYA
6.	LEGAL AND HUMAN RIGHTS CENTRE	ADV. ANNA HENGA
7.	ENVIROCARE	CATHERINE JEROME
8.	CRISIS RESOLVING CENTRE	GLADNESS MUNUO
9.	CENTRE FOR WIDOWS AND CHILDREN ASSISTANCE	ADV. UTTI MWANG'AMBA
10.	WOMEN LEGAL AID CENTRE	ADV. THEODOSIA MUHULO
11.	KINONDONI PARALEGAL	ANTHONY ISAKWI
12.	MBAGALA PARALEGAL	DAVID KAYUNI
13.	PEOPLES DEVELOPMENT FORUM	MR KIZITO
14.	MAMAS HOPE LEGAL AID	MALAUURI SAULO
15.	WOMEN WAKE UP	HON. FATMA TOUFIQ
16.	ARUSHA WOMEN LEGAL AID AND HUMAN RIGHTS ORGANIZATION	ADV. MARTHA LYIMO
17.	SAUTI YA HAKI TANZANIA	ADV. LAETITIA PETRO
18.	ACCESS FOR JUSTICE IN SOCIETY	VIRGINIA SILAYO
19.	MAKETE PARALEGAL	REV. DENIS SINENE
20.	LINDI WOMEN PARALEGAL AID CENTRE	COSMA BULLU
21.	THE VOICE FOR MARGINALIZED COMMUNITY	MUSA NGANGALA
22.	TABORA PARALEGAL	HOSEA KAPONYA
23.	TANZANIA WOMEN FOR SELF INITIATIVE	BERNADETHA CHOMA
24.	ASSISTANT REGISTRAR (MBEYA)	STELA KATEGILE
25.	ASSISTANT REGISTRAR (KILIMANJARO)	MAMA LAUO
26.	TANZANIA PARALEGAL NETWORK	TOLBERT MMASI
27.	TANGANYIKA LAW SOCIETY	GLORY KAAYA
28.	ASSISTANT REGISTRAR (NJOMBE)	ELICE

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