



**INCREASED ACCESS TO JUSTICE THROUGH
LEGAL EMPOWERMENT**

Justice for Everyday Problems

WHAT IS THE LSF?

The Legal Services Facility is an independent basket fund registered in 2013 as a Tanzanian non-profit company limited by guarantee. It strives to increase access to justice for all, in particular for women, through a legal empowerment approach. We channel funding on equal opportunity basis to organizations which provide legal aid and paralegal services and work toward empowerment of poor women, children and men.

Through these services, individuals and communities are assisted to ensure that their rights are observed, grievances redressed, disputes resolved and that fundamental human rights are protected. LSF provides funding for activities toward legal empowerment in all 180 districts of Tanzania mainland and Zanzibar. We strive that the government assumes responsibility to legislate and regulate legal aid provision, including paralegals, which is to be institutionalized and funded.

We directly and indirectly support more than 200 implementing partners which ensure availability and accessibility of quality legal aid services, legal education and facilitate legal empowerment in the communities they serve.

BRIEF CONTEXT

Tanzania is signatory to a number of international and regional human rights instruments and has enacted a number of good policies and laws aimed at improving access to justice, promoting and protecting human rights, including the rights of women. Still the majority of women face major challenges in both domestic and public life.

Persistent human rights challenges have a detrimental effect on efforts to promote poverty reduction and equitable economic growth. The gap between rich and poor in both rural and urban settings is growing. Accelerated urbanization leads to an increase of the urban poor, higher unemployment and crime rates and a growing number of disaffected young people. This adversely affects and exacerbates the inequity and rights violations faced by women and girls.

The LSF emphasizes the importance of human rights and legal education, since awareness of rights and knowledge of the law are at worrying low levels. The majority of communities and individuals are not in position to realize their rights. Efforts toward (legal) empowerment are therefore important. In order to function as positively contributing and productive citizens, people need to feel safe and secure. Poor populations globally mention access to justice as a major factor contributing to this feeling and for sustaining their livelihoods.



Rehema from Kigoma Region points to the land that is disputed by her neighbor. With assistance of paralegals she succeeded to secure her land title.

VISION:

A Tanzanian society in which all people have access to justice.

MISSION:

Promote and protect human rights through legal empowerment, increase accessibility of legal services for poor and vulnerable populations, in particular for women.

STRATEGIC GOAL

Increase access to justice for all, in particular for women

STRATEGIC OBJECTIVES

The LSF perceives achievement of strategic objectives as a pre-condition to achieve the goal of increasing access to justice:

1. To increase accessibility of basic legal aid services (paralegal or other forms), in particular for women
2. To increase protection of women's rights to land, property, safety and security through legal empowerment, in particular of women.
3. To promote formal and Informal institutions effectively promote legal aid and legal empowerment; protect human rights, including women's rights.
4. To ensure sustainability of quality legal aid and legal aid providers.



Couple facing ward tribunal about marital problem



CHILD MAINTENANCE

Child maintenance problems are among the top four legal issues reported by women to paralegals.

Ashura was divorced by her husband when she was four months pregnant. After a few months Rahma (left) was born. Eight years later the husband, who married another woman and never supported Ashura to bring up their daughter, showed up again and took Rahma to his new family. But Rahma was not happy to stay with her step mother and after a short time she ran away to return to her mother.

The paralegal intervened, brought the parents together and mediated them on the importance of education for Rahma. Despite their differences, the father agreed to support his daughter by providing all she would need for her education. Ashura will remain responsible for taking care of the daughter. The agreement was concluded in writing and witnessed by a local government official.

OUR KEY ACTIVITIES



Grant making

Results oriented grants aim to facilitate legal empowerment with increased protection of women's rights to land, property, safety and security. Grant making enables our partners to expand and sustain the accessibility of legal aid services. Additionally, grants offer opportunities for institutional strengthening of the recipient, which contributes to sustainability of legal aid.



Capacity development

The LSF supports legal aid providers institutionally and technically, which will assist in their resource mobilization. A further contribution is made to increase accountability, transparency and quality of legal aid delivery. This in turn will positively impact on the institutional and services acceptability to duty bearers, which assists in creating a conducive environment for legal empowerment.



Partnerships, networking and fundraising

This aims to substantiate and accelerate LSF inputs, to generate financial resources and provides access to centers of expertise. It includes support to effective legal aid networks and to alliances for protection of human rights.



Coordination

The LSF is pro-active in coordinating efforts toward justice for all, in particular for women. Legal aid provider driven design of approaches for 'urban legal empowerment' and for 'Zanzibar Legal empowerment', are just two examples.



Learning

Learning is promoted by rigorously establishing what works and what not. We pilot different approaches and systematically monitor our partners, which informs the direction of the program. Serving public accountability and to contribute to the knowledge base of legal aid, education and empowerment in relation to access to justice, a wide spectrum of professional communication is maintained.



INHERITANCE – LAND AND PROPERTY RIGHTS FOR WOMEN

In Muheza district, Tanga region, Batuli's husband passed away and, as usual, his family claimed land and house and threatened to kill the widow and her mentally retarded son if they did not vacate the house and land. Batuli moved to her sister's house and unsuccessfully tried to reclaim her rights with the village land council and ward tribunal. Finally, Muheza paralegals properly documented the case and assisted her to present it to the district land arbitration council.

The judgment was in Batuli's favor.

This was a turning point, not just for Batuli, but for all women of Muheza district. The judgment publicly showed that a woman's right to land can be protected.

Tanzania's 1999 Land Policy and 2002 Law of Marriage Act allow women access to inheritance, including land for the widow.

Cultural and religious customs often favor in-laws in inheritance cases, violating women's rights. The Law stipulates that women and men have equal rights and access to property.

GENDER BASED VIOLENCE: A MAJOR PROBLEM

Half of all women in Tanzania experience GBV in their life. The 2010 Tanzania Demographic and Health Survey (TDHS) shows that 39% of women experienced physical violence, while 20% experienced sexual violence in adult life. Among spousal acts slapping was most commonly reported by 36% of ever-married women, followed by being punched (18 %) and being pushed, shaken, or things thrown at them (16%). The TDHS shockingly indicated that more than half of women agree that the husband is justified to beat his wife in certain situations.

Fausta (34) of Iringa region, mother of seven children, is regularly cruelly beaten by her husband, who also has a second wife in another village. When he accused her of keeping money for herself from the harvest sales, he did send two other men to beat and torture her. Fausta experienced this brutally from the early days of her marriage. But finally she sought assistance of paralegals. The paralegal approach was to bring the two into harmony and educate the man over the consequences of his behavior. The man has agreed to change and apologies for his brutality and behavior.





DISCRIMINATION IN THE WORKPLACE

Magdalena is the mother of a little boy. She works with the government in Kinondoni district, Dar es Salaam, as an office attendant. When her boy was due to be born she went for maternity leave, according to the labor law. When she returned to work, she was informed that she lost her job.

She sought legal aid assistance and finally got it with paralegals, who made her aware of her rights as a government employee.

She understood and the paralegals assisted her to report her case to the Ward Development Committee (WDC), which assisted her to retain her office position.



The 4,500 volunteer paralegals of Tanzania reached since 2014, more than 370,000 persons with legal education activities. By 2020 this will be more than half a million annually.

LEGAL AND HUMAN RIGHTS EDUCATION

In 2016 paralegals all over Tanzania worked with 900 women's or mixed groups. This is expected to develop to 8,000 groups by 2020.

Kagera region in the north-west of Tanzania borders Uganda, Rwanda and Burundi and sees each morning the sun rise over Lake Victoria. Paralegals in the region are among the most active in the country, particularly in collaborating with women's groups for legal and human rights education. Nobody minds that few men also attend the sessions.

Awareness of rights and laws of the country is a first step toward legal empowerment. In groups women can practice presenting their problems, suggest solutions for individual problems or contemplate collective action. Groups contribute, e.g. through saving schemes of which benefits can be used for small business investments, to economic empowerment of women, which strengthens the negotiation position to address domestic problems.

RESULT AREAS

The LSF commits to substantive progress on well formulated outcomes in each of 4 result areas:

1. Accessibility of legal aid, in particular for women

In the period 2012 to 2015 the LSF ensured that the Availability of Acceptable and Affordable legal services in Tanzania increased significantly. A cadre of 4,500 paralegals has been trained with quality assurance provided by the Tanganyika Law Society. In 180 districts of the country a paralegal unit (registered as NGO) of around 25 paralegals is operational. Paralegals significantly contribute to increasing access to justice for women and men and around 60% of paralegal clients are to a large or very large extent satisfied with the services.



Evidence is convincing that paralegal services add value to the existing spectrum of dispute resolution mechanisms. In 2016 at least one paralegal was operational in 40% of the 4,000 wards in Tanzania.

2. Legally empowered communities, in particular women

A crucial step toward legal empowerment is to make people aware of their human rights and the laws of the country. From 2014 to mid-2016, about 210,000 women (54% of a total of 393,000 persons) have been reached with human rights and legal education. The LSF expects that paralegals reach more than half a million women and men per year, as from 2020.

From 2014 to mid-2016 a total of 32,420 cases, reported by women to paralegals, have been resolved, out of which around 3,000 women were successfully assisted to restore their land rights.

The inputs of the LSF for continuous capacity development of paralegals, their units and other implementing partners have a distinct focus on legal empowerment. Human rights, legal education and legal empowerment are an integral part of the paralegal training, as is special attention for the promotion and protection of women's rights.

3. Conducive environment for legal empowerment

Since 2012 the LSF has supported and promoted legislation of legal aid, including recognition of paralegals. Significant progress has been made and enactment of the draft bill may take place early 2017. This will be instrumental to create a conducive environment for legal aid.

LSF also supports an approach to empower duty bearers to deal with a more empowered population to accelerate the people's empowerment process. In collaboration with the Commission for Human Rights and Good Governance (CHRAGG) an awareness building package will be developed for Local Government Authorities (LGAs) that builds on earlier human rights awareness building by the CHRAGG.

Sustainable development requires the buy-in and commitment of both demand and supply side actors. For this reason LSF partners, including paralegals are required to be transparent and accountable to the communities they serve, including LGAs and informal leaders.

Additionally we support several partners with 6 strategic litigations for better protection of women rights, as well as for policy dialogues and advocacy in support of these litigations.



Active participation of local government officials is demonstrated in this meeting of Mukuranga Paralegal Unit, which is attended by ward council member (2nd right front) and other local officials (1st right and back)

4. Institutional sustainability of legal aid and legal aid providers

Sustainability is cross cutting in LSF programming. Increased knowledge of human rights and the law of communities, ward and land tribunals, religious and clan leaders and LGAs, contributes to a sustainable, conducive environment for legal empowerment.

The capacity development component aims that paralegal units become transparent, accountable and effective small NGOs which contribute to increasing access to justice in their district, with funding primarily generated from local resources. The same applies to larger partners, which we assist to increasingly become learning organizations, with a result orientation. A long term sustainability strategy in which gradual decrease of dependency on external funding is central will be applied.

ADDITIONAL FOCUS AREAS





URBAN LEGAL EMPOWERMENT

Urban growth in Tanzania accelerates. The present rural: urban population ratio, in the range of 70:30 may pass the 50:50 mark around 2025. It is therefore timely that more attention is paid to the specific requirements for effective urban legal aid and legal empowerment. The myth that services, including legal services, are more accessible in urban than in rural areas stems from a confusion between availability and accessibility. Service delivery in urban areas is concentrated in middle and upper class areas, while the poor reside in unplanned or slum areas.

A recent small survey indicated that urban dwellers in Dar es Salaam on average spend almost TShs 500,000 (USD 230) to seek and further pursue legal aid services. This is around 5 times more than rural men who seek and obtain legal services and 8 times more than rural women. Legal aid in urban areas does not properly respond to the legal needs and purchasing power of the urban poor.

With legal aid providers based in the urban centers of Dar es Salaam and Zanzibar Town, an urban legal empowerment approach is formulated which will prioritize human rights and legal education, facilitation of legal empowerment, that fits in the 4 LSF results areas, will bring case based services closer to the urban poor to increase accessibility and will involve paralegals recruited from poor areas.



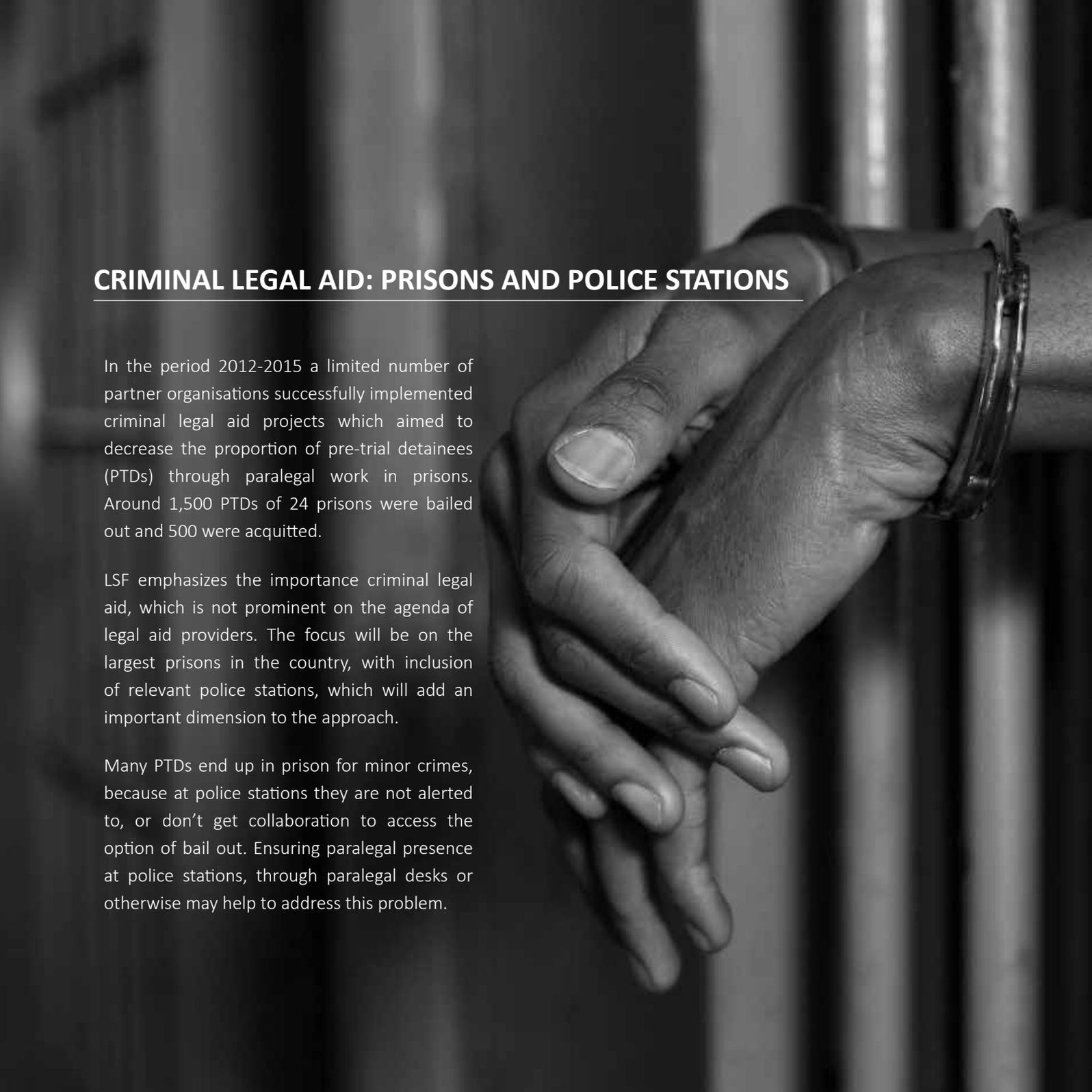
Paralegal Fatma Khamis (right) looks at products sold by a women's group. Economic and legal empowerment are complementary.

LEGAL EMPOWERMENT ZANZIBAR

Zanzibar is a separate jurisdiction. It accepted a different approach toward making legal aid effective as compared to mainland. Paralegals are not organized in district units, but operate as individuals, which was not successful.

LSF coordinated a review of the approach. A model comparable to the one used on mainland came out as preferred and will be implemented as pilot.

In Zanzibar it is not easy for the majority women to form economic groups and access funds from financial institutions. Zanzibar Vijana Saccos is one of the financial institutions established to support youth and women to access funds for economic empowerment. Through initiatives of LSF partners, women were assisted to establish legal groups and a proper modality to pay back loans.



CRIMINAL LEGAL AID: PRISONS AND POLICE STATIONS

In the period 2012-2015 a limited number of partner organisations successfully implemented criminal legal aid projects which aimed to decrease the proportion of pre-trial detainees (PTDs) through paralegal work in prisons. Around 1,500 PTDs of 24 prisons were bailed out and 500 were acquitted.

LSF emphasizes the importance criminal legal aid, which is not prominent on the agenda of legal aid providers. The focus will be on the largest prisons in the country, with inclusion of relevant police stations, which will add an important dimension to the approach.

Many PTDs end up in prison for minor crimes, because at police stations they are not alerted to, or don't get collaboration to access the option of bail out. Ensuring paralegal presence at police stations, through paralegal desks or otherwise may help to address this problem.



Legal Services Facility | Bima St. Nyati Rd,
Mikocheni B

P.O.Box 31480 Dar es Salaam, Tanzania

Tel: +255 222 781061/+255 757 033776

info@lsftz.org | www.lsftz.org

BASKET FUND PARTNERS OF THE LEGAL SERVICES FACILITY ARE:

MINISTRY OF FOREIGN AFFAIRS OF DENMARK

DANIDA INTERNATIONAL
DEVELOPMENT COOPERATION

