



African Centre of Excellence for Access to Justice

ZIMBABWE

Case Study:

The Legal Resources Foundation (LRF) trains Advice Volunteers who live in poor and/or rural communities. Their job is to educate people regarding their rights using pamphlets produced by the LRF and to refer people with legal problems (with legal remedies available) to the second tier of the programme, the local advice centre.

The LRF has set up advice centres in rural areas staffed by paralegals that undergo a four-week training period before joining. They give advice, consult and refer individuals to relevant organisations and so on. The LRF also set up an education programme which conducts workshops and seminars for magistrates, school children, prosecutors, defence counsel and co-operatives. The LRF has also co-operated with the Commonwealth Human Rights Unit in conducting seminars on human rights for civil servants in Zimbabwe.

Pamphlets, leaflets and posters are an integral part of the LRF's outreach work, providing information on key legal and human rights issues for the layperson, with solutions and procedures to guide people as they resolve the issues troubling them. The Maintenance pamphlet has been lauded by many women for assisting them to know how, when and where to claim maintenance.

The LRF in Zimbabwe play a pivotal role in delivering training through sectors of the justice system. The LRF holds workshops for traditional leaders focussing on topics such as their jurisdictional limits, judicial ethics, marriage, wills and inheritance but also record keeping and level of fees in the primary courts. They hold workshops for clerks of the court, and members of the police force to help and support them in their roles.

Community outreach is essential in legal systems such as Zimbabwe, needs analyses were conducted with community leaders to select topics likely to be beneficial to their communities and focal point persons provided insights into the legal challenges bedevilling their communities. In one particular community, complaints of traditional leaders trying matters outside their jurisdiction formed the

basis of topics chosen for a session. A presentation on the Court and the Law was subsequently made to assist kraal and village heads on this issue.

Immediately following education sessions, paralegals were able to render legal services to the women and men in need. Those attending outreaches also referred others to the LRF advice centres. Some 28% of LRF clients learnt of the organisation as a result of the legal education programme, a clear sign that people actually were empowered to assert their human and legal rights.

In Zimbabwe there are no legal publishers, law books are very expensive. The Foundation decided to cultivate an interest in those members of the local profession who were gifted in writing, to write and, through the Foundation's Publications Unit, publish law books. The Ministry of Justice, Legal and Parliamentary Affairs also appointed the Foundation the official publishers of the Zimbabwe Law Reports. It has edited and published the Zimbabwe Law Reports since 1988.

Challenges

The main challenge in Zimbabwe is political opposition to furtherance of human rights and freedoms. In 2016, government restrictions reached a peak with the government's response to protests organized and shared via social media, such as #ThisFlag, which inspired Zimbabweans to air grievances about the country's governance. Offline, between July 5 and July 15, 2016 at least 300 people were arrested and charged with violating provisions of the Criminal Law Codification and Reform Act after participating in peaceful protests over economic mismanagement by the government.

Ultimately, with the same ruling ZANU PF party that has been at the forefront of draconian laws that violate human rights in power, progressive legislative reform remains unlikely. This will undoubtedly have an impact on funding both domestic and foreign, which is likely to curb the development of community outreach projects significantly.

Paralegals in Zimbabwe - Background:

There is very little legal assistance available in Zimbabwe. A number of NGOs which, traditionally, had links with the liberation movements, such as the Zimbabwe Project, the Catholic Commission for Justice and Peace (CCJP), and the Zimbabwe Council of Churches (ZCC), have become increasingly critical of the ZANU (PF) government. The civic freedom monitor for Zimbabwe states that the human rights situation has not improved during the lifespan of the Inclusive Government (IG) despite the secondment of a few CSO representatives to top government offices and to new institutions, such as the Zimbabwe Human Rights Commission and the Zimbabwe Media Commission, among others. These institutions were ineffective, with the Zimbabwe Human Rights Commission facing operational constraints. During the last ten months of the IG, between October and July 2013, CSOs and their staff members were also repeatedly targeted and a number of directors were charged with operating "illegally," which essentially means not registered.

Paralegals in Zimbabwe – Additional information

Applicable Constitutional obligations: Article 31, Article 44, Fundamental Human Rights and Freedoms under Part 2.

Applicable Legislation: The Legal Assistance and Representation Act.

Resources: Legal Resources Foundation (LRF) paralegal training manual.

Training required: The Legal Resources Foundation has a training program for paralegals. The people earmarked for training as paralegals are people who have at least an '0 level' qualification or who are ex-court interpreters and/or officials who are now retired. These paralegals, for logistical purposes, should reside in the areas where they will work. For the following reasons:

- i. Acceptability by the community they will work in;
- ii. Understanding the problems prevalent and existing within the area and community;
- iii. Reduced need for transportation, accommodation and other expenses that would be incurred by people working outside their areas of residence, etc.

The training that paralegals receive is higher in content than that of Advice Volunteers. The training is based on a training manual prepared for paralegals. Following recommendations of an evaluation report of the pilot scheme it was decided by LRF that paralegals will be paid.

Advice Volunteers are also trained. The topics dealt with include:

- i. Accident damages including;
 - a) Motor vehicle accidents
 - b) Bus accidents
 - c) Accidents involving cyclists and pedestrians
- ii. Cash and credit sales
- iii. The Legal Age of Majority Act
- iv. The legal system of Zimbabwe
- v. Marriage and the law
- vi. Domestic violence
- vii. Women and rape, etc.

Once trained and having received their certificates, the Advice Volunteers will go into the areas in which they work and disseminate the information contained in the pamphlets to the grassroots groups with which they work, at the same time distributing pamphlets as a way of reinforcing what they have said.

Organizations: Legal Resources Foundation Zimbabwe, Catholic Commission for Justice and Peace (CCJP), Musasa Project, The Child Survival Campaign of Zimbabwe, Abammeli Lawyers Network, Basilwizi Trust, Centre for Community Development in Zimbabwe (CCDZ), Kulani Trust, Envision, Crisis in Zimbabwe Coalition, Centre for Conflict Management and Transformation, ORAP project, Bright Tomorrows.