

**Information Collection Survey on
Improving the Access to Justice and
Establishing the Network
in African Countries**

Final Report

January 2022

Japan International Cooperation Agency (JICA)

Oriental Consultants Global Co., Ltd.

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Abbreviation

Common

ADR	Alternative Dispute Resolution
AJS	Alternative Justice System
CBC	Competence based Curriculum
CPD	Continuing Professional Development
CPD	Country Programme Document
CPI	Corruption Perceptions Index
CSO	Civil Society Organization
DANIDA	Danish International Development Agency
DFID	Department for International Development
DIHR	Danish Institute for Human Rights
DPP	Director of Public Prosecutions
DV	Domestic Violence
EU	European Union
FCFA	Franc Communauté Financière en Afrique
FGM	Female Genital Mutilation
FIDH	Fédération internationale des ligues des droits de l'homme
GBV	Gender Based Violence
GIZ	Gesellschaft für Internationale Zusammenarbeit
ICT	Information and Communication Technology
ICF	Investment Climate Facility for Africa
IDLO	International Development Law Organization
IECMS	Integrated Electronic Case Management System
IOM	International Organization for Migration
IVR	Interventional Radiology
KOICA	Korea International Cooperation Agency
LLB	-
LLM	-
LSF	Legal Service Facility
NGO	Non-Governmental Organization
OHADA	Organisation pour l'Harmonisation en Afrique du Droit des Affaires
OSC	One Stop Service
SGBV	Sexual and Gender-based Violence
UEMOA	Union Economique et Monétaire Ouest Africaine
UNICEF	United Nation Children's Fund
UNDOC	United Nations Office on Drugs and Crime
UNDP	United Nation Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNV	United Nations Volunteers Programme
UNHCR	United Nations High Commissioner for Refugees
UNSEF	United Nations Social Enterprise Facility
UN Women	United Nations Women
USAID	United States Agency for International Development

USSD	Unstructured Supplementary Service Data
WB	World Bank

Kenya

CEDGG	Centre for Enhancing Democracy and Good Governance
CBC	Competency-based Curriculum
CRADLE	CRADLE - The Children's Foundation
FIDA	Federation International De Abogadas
FOLLAP	Egerton University Faculty of Law Legal Aid Project
ICJ	International Commission of Jurists
IRCK	Inter-Religious Council of Kenya
KLRC	Kenya Law Reform Commission
LSK	Law Society of Kenya
MTI	Mediation Training Institute
MOCLA	Ministry of Constitutional and Legal Affairs
NCKK	National Council of Churches of Kenya
NLAS	National Legal Aid Service
ODPP	Office of the Director of Public Prosecutions
PMMU	Performance Management and Measurement Understandings
PLI	Public Law Institute
SIRD	Supporting Inclusive Resource Development
SUPKEM	Supreme Council of Kenya Muslims

Tanzania

CHRAGG	Commission for Human Rights and Good Governance
IAE	Institute of Adult Education
JSDS	Judiciary Statistical Dashboard System
LHRC	Legal and Human Rights Centre
MOCLA	Ministry of Constitutional and Legal Affairs
TAMS	Tanzania Advocates Management System
TAWLA	Tanzania Women Lawyers Association
TTCL	Tanzania Telecommunication Company Limited

Rwanda

DIDF	Dignity in Detention Foundation
EDPRES	Economic Development and Poverty Reduction Strategy
GLIHD	Great Lakes Initiative for Human Rights and Development
JRLOS	Justice, Reconciliation, Law and Order Sector
LAF	Legal Aid Forum
MAJ	Maison d'Accès à la Justice
MINEMA	Ministry in Charge of Emergency Management
RBA	Rwanda Broadcasting Agency
RBJ	Rwanda Bridges to Justice
RCS	Rwanda Correctional Service
RIB	Rwanda Investigation Bureau

Zambia

LAB	Legal Aid Board
LAZ	Law Association of Zambia
LPQE	Legal Practitioners' Qualifying Examination
LRF	Legal Resource Foundation
MOJ	Ministry of Justice
NLACW	National Legal Aid Clinic for Women
NPA	National Prosecution Agency
PAN	Paralegal Alliance Network
PFF	Prisoners' Future Foundation
TEVETA	Technical Education, Vocational and Entrepreneurship Training Authority
VSU	Victim Support Unit
ZAPD	Zambia Agency for Persons with Disabilities
ZIALE	Zambia Institute of Advanced Legal Education

Malawi

ACB	Anti-Corruption Bureau
CCJP	Catholic Commission for Justice and Peace
CHREEA	Centre for Human Rights Education Advice and Assistance
DC	District Commissioner
LAB	Legal Aid Bureau
MACRA	Malawi Communications and Regulatory Authority
MHRC	Malawi Human Rights Commission
MILE	Malawi Institute of Legal Education
MLS	Malawi Law Society
MOJ	Ministry of Justice and Constitutional Affairs
MSCE	Malawi School Certificate of Education
PASI	Paralegal Advisory Service Institute
TA	Traditional Authority
VSU	Victim Support Unit
WOLREC	Women's Legal Resources Centre

Côte d'Ivoire

AFJCI	Association de Femmes Juristes de Côte d'Ivoire
BLAJ	Bureau Local de l'Assistance Judiciaire
C2D	Contrat de Désendettement et de Développement
CAPA	Certificat d'Aptitude à la Profession d'Avocat
CCJA	Cour Commune de Justice et d'Arbitrage
CNDH	Conseil National des Droits de l'Homme
DACP	Direction des Affaires Civiles et Pénales
EDHC	Éducation aux Droits de l'Homme et à la Citoyenneté
INFJ	Institute National de la Formation Judiciaire
PAPS	Plan d'actions du secteur de la justice
UFHB	Université Félix Houphouët-Boigny

Niger

ANDDH	Association Nigérienne de Défense des Droits de l'Homme
ANAJJ	Agence Nationale de l'Assistance Juridique et Judiciaire
AIN	Association Islamique du Niger
CAPA	Certificat d'Aptitude à la Profession d'Avocat
CNDH	Commission Nationale des Droits Humains
CMAN	Centre de Médiation et d'Arbitrage du Niger
DCO	Défenseurs Commis d'Office
EFJN	Ecole de Formation Judiciaire du Niger
ENAM	Ecole Nationale Administrative et de Magistrature
PDES	Plan de Développement Économique et Social
PNJDH	Politique Nationale Justice et Droits Humains
TGI	Tribunal de Grande Instance
TAC	Tribunal d'Arrondissement Communal
TI	Tribunal d'Instance

Senegal

BIJ	Bureaux d'Information du Justiciable
CAMAD	Centre de Médiation et d'arbitrage de Dakar
CAPA	Certificat d'Aptitude à la Profession d'Avocat
CFJ	Centre de Formation Judiciaire
CSDH	Comité Sénégalais des Droits de l'Homme
DDASJ	Direction de la Dématérialisation et de l'Automatisation des Services judiciaires
DJPPAD	Direction de la Justice de Proximité et de la Promotion de l'Accès au Droit
ONDH	Organisation Nationale des Droits de l'Homme
RCCM	Reistre du Commerce et du Crédit Mobilie
TGI	Tribunal de Grande Instance
TI	Tribunal d'Instance

Currency Unit

KES	Kenyan Shilling
TZS	Tanzanian Shilling
RWF	Rwandan Franc
ZMW	Zambian Kwacha
MWK	Malawian Kwacha
FCFA	Franc CFA

※Exchange rate: JICA rate as of August 2021

Chapter 1. Outline of the Survey

1.1 Background

Sustainable Development Goals (SDGs) were set as agreed goals among the international community in the United Nations Summit held in September 2015. Among these goals, **Access to Justice**¹ is considered as one of the important subjects under **Goals 16** “Peace, Justice and Strong Institutions” and **Target 16.3** “Promote the rule of law at the national and international levels and ensure equal access to justice for all”.

Equal access to justice is an effort, or a system, to ensure that people can use and have access to the means to solve conflicts in a proper manner. In order to ensure access to justice, a dispute resolution body such as a court should be placed and made available to people. In recent years, the importance of the latter has been emphasized, and increasing efforts were made to improve service delivery such as the establishment of call centers. However, various investigations have revealed that there are many cases in which people give up solving conflicts without reaching proper dispute resolution.

In many African countries, various conflicts arise from political instability, an uneven industrial structure, the working environment, the presence of vulnerable groups such as women, children, and persons with disabilities, and underserved education. Natural disasters caused by climate change are emerging concerns. The mechanism to properly solve those issues are not always in place.

Many circumstances impede access to justice in Africa. The issues include an underdeveloped or corrupt judicial system, lack of legal knowledge of the public, lack of financial resources, and physical constraints to accessing legal services. Therefore, there are many people whose issues are not properly resolved, and their rights are not guaranteed.

Typical judicial issues in African countries include **peacebuilding/conflict** settlement as many countries have refugees from conflict areas. Traditional conflict of rights over **water/land/forest** is also a common issue. Citizens' needs for such dispute resolution are high. From an advocacy and social inclusion point of view, socially **vulnerable groups**, such as women, children, persons with disabilities, and displaced persons, do not have sufficient opportunities and means to access justice. With the progress of the economy and society, issues such as property and inheritance, relationships, domestic violence, debt, employment, and living environments are expected to increase in the future.

In addition to **formal dispute resolution system** through the judicial administration or courts, some countries make rulings based on **informal/traditional dispute resolution system** using customary law and by religious leaders. It is important to note that the judicial administration and the method of solving judicial matters are significantly different from Japan.

The content and quality of judicial education are important to ensure that the **public understands the law and rights**. The basic knowledge is provided through educational programs from elementary to higher education, however, it is necessary to confirm whether the legal education is substantial. On the other hand, adults' knowledge

¹ The term generally means access to judicial procedures, but it originally means is access to justice/fairness.

of law and rights is generally at a low level. Each country and major international donors are making efforts to improve access to justice by incorporating the issues into policies, measures, and systems.

In disseminating and deepening the understanding of the law and justice system, the communication between the Ministry of Justice and the public is important. In some African countries, public announcements and information disseminations are carried out using the media, and call centers are introduced in some countries to provide telephone consultations. Recently, with the penetration of the internet, social media is becoming a common platform. However, the degree of utilization in the judicial field is still limited.

The "**Call Center**" in Côte d'Ivoire was established with the support of JICA in 2016. It acts as a legal information provider referring to the Legal Terrace Support Dial of the Japan Legal Support Center. The aim is to be the first contact point from the public to provide legal information by telephone. The effectiveness of its operation will be confirmed in the survey.



Côte d'Ivoire Call Center (2018)

This type of call center has been introduced in other African countries as well, such as in Uganda, South Africa, and Senegal. However, the status of the operation and its

effectiveness and sustainability need to be investigated in detail. Possible application and deployment of the model in other countries shall be examined having an understanding of the local issues such as limited financial resources and communication infrastructure.

Many African countries introduces lawyers, offer legal consultation services, and provide legal aid services, and a combination of those measures. However, the content, degree of utilization, and usefulness are not clear, and it needs further investigation. **As a means to improve access to justice**, for example, small-amount proceedings and mediation can also contribute to dispute resolution. This is closely related to the lives of citizens such as lending and borrowing money and heritage. Therefore, the status of the legal assistance system and measures, its usefulness, and its feasibility were examined through this survey.

To sustainably provide measures for access to justice and operate facilities, each country and international donor are making effort to secure human resources and financial resources. It is important to discuss with governments and international donors about utilizing external experts for the quality of human resources and securing stable financial resources by involving private sectors and NGOs.

Furthermore, with the spread of Covid-19 all over the world, the **importance of information and communication technology (ICT)** is rapidly increasing to avoid contact while ensuring access to justice. Some countries have started to introduce ICT in the justice system, including the criminal justice field, in cooperation with international organizations and international NGOs.

As mentioned above, the improvement of access to justice is being incorporated in national development plans in each country, but the implementation measures vary from country to country. Various international donors are actively involved from the perspective of governance and human rights protection. However, no initiative

envisions regional cooperation in Africa in this field. In that sense, it is meaningful to investigate the possibility of sharing knowledge among judicial officials through **establishing a regional network in Africa**.

In African countries where human resources and financial resources and communication infrastructure is limited, it is imperative that facilities and measures are easy to use for citizens and that are sustainable. At the same time, education on justice and network establishment among African countries are also important for sharing knowledge and experiences.

1.2 Purpose of the survey

The purpose of the survey is to collect information on the current situation and issues of access to justice in the African region and examine the possibility of cooperation that contributes to improving access to justice. The cooperation includes the deployment of the call center model, the introduction of ICT in the judiciary system, and other measures considered applicable in the area.

1.3 Target countries

Target countries are a total of 8 countries: three countries in Eastern Africa, two countries in Southern Africa, and three countries in Western Africa as shown below. The criteria for selection and the selection procedure are described in Chapter 13 Annex.

- East Africa: Tanzania, Kenya, Rwanda
- South Africa: Malawi, Zambia
- West Africa: Cote d'Ivoire, Niger, and Senegal

During the survey, a pilot project for ICT application to improve access to justice was implemented in Rwanda. At the end of the survey, the workshops are planned to be held in 2 countries, one for the Eastern and Southern region, and one for the Western region, considering the possibility of future cooperation and the formation of a network for improving access to justice.

1.4 Survey method

The survey first established the basic understanding of the judicial systems and organizations in each country. At the same time, analyzed the gap between the needs and current legal aid service. While learning the direction of donor activities, possible areas of cooperation from Japan are considered in discussion with stakeholders in each country.

To improve the efficiency of the survey, local consultants with knowledge of the judicial system were assigned in each country. As the field visit was postponed due to the spread of Covid-19, the survey was carried out by local consultants supervised by the survey team via regular web progress meetings. After the travel ban was lifted, the survey team supplemented the survey of local consultants and furthered the discussion with relevant agencies to identify the area of possible cooperation.

The study team members are listed in Table 1.1. Under the supervision of the project manager, the survey team members were assigned to the countries in Eastern Africa, Southern Africa, and Western Africa who are familiar with each country and language.

Table 1-1 Survey Team

Role		Name of Experts
1	Project manager / Access to justice and judiciary system analysis	Yasuo IZUMI
2	Access to justice and needs assessment 1 / Governance and donor analysis 1	Tomoko HATTORI
3	Access to justice and needs assessment 2 / Governance and donor analysis 2 / Judiciary system and organizational analysis 2	Mayumi FUJIYAMA
4	Judiciary system and organizational analysis 1 / Workshop preparation and implementation 1	Yuko HARAGUCHI
5	Workshop preparation and implementation 2 (1)	Keisuke HATTORI
6	Workshop preparation and implementation 2 (2)	Sara EID
Country	Name of Local Consultants	
1	Kenya / Maryanne KIMANI / Jeniffer NJAMBI	
2	Tanzania / Paul Jackson WARIOBA / Hillaly BALLONZI	
3	Rwanda / Joelle KABAGAMBE / Deborah TWAHIRWA / Ronald SERWANGA/ Jean-Pierre HITABABYAYE	
4	Zambia / Chimuka MUCHINDU / Sandra CHILALA	
5	Malawi / Dumisani MLAUSI / Kelvin MSISKA	
6	Cote d'Ivoire / KONAN Kouakou Blaise / GOLI Yao Edmond	
7	Niger / ALI Issa Djibo / NIANDOU Mossi Mahamadou / HAIDARA Mohamed Ibrahim	
8	Senegal / SEKONGO Nakpatcho Jeanne / SOUGNABE KABE Evêché / CAMARA Abdoulaye	

(1) Regional differences of the judicial system and access to justice

The eight targeted countries are broadly divided into five eastern and southern countries that mainly adopt the Anglo-American legal systems and three western countries that adopt the French civil legal systems. Rwanda was formerly a Belgian territory, but since 2004, it has shifted to an Anglo-American legal system and is currently a hybrid of French civil legal systems and Anglo-American legal systems are used.

Considering the fact that the religious leaders and traditional chiefs play a role in access to justice especially in rural areas, the differences in the cultural and religious background are also prominent in the Christian-dominated culture of the eastern and southern countries and the Muslim-dominated culture of the western countries.

In addition, there are also significant differences in access to justice between the eastern part of the country, where the communication environment is reasonably well developed, the western part, which is still inadequate, and the southern part, which is somewhere in between.

(2) Formal justice is "far, slow, expensive, and has a bad image"

Although the formal justice system is well-established in many countries, it faces two main challenges: the institutional challenges of "far, slow, and expensive," such as long distances to the courts and an insufficient number of courts, slow and time-consuming procedures, and high court costs; and the socio-cultural challenges of "bad image" and "unfamiliarity" compared to informal justice. In addition, there is a lack of knowledge of formal justice among the residents. On the judicial side, there is a lack of budget and manpower, and paper-based trials still being the mainstream of legal procedures, especially in Western African countries where the internet has not been widely used. It reinforces the challenges of accessing a formal justice system.

This survey was conducted from the perspective of Access to Justice, but at the same time, it was also recognized that there are issues within the justice system (Access in Justice), that the network of the justice system is not yet developed, and that there is a lack of administrative support from the justice system regarding the dissemination of laws and regulations (Access from Justice).

In particular, judicial underdevelopment in a rural area is a serious issue as shown below.

- In **Tanzania**, there are only 13 high courts out of 26 regions, and only one or two primary courts per district (each district is about half the size of Rwanda). This hinders access to justice, especially in rural areas.
- In **Malawi**, the Legal Aid Bureau has offices in 13 out of 28 districts at present. In the district offices, due to a lack of budget and human resources, only about half of the number of applications can be dealt with in rural areas.
- In **Côte d'Ivoire**, legal aid regional offices were established in the court of first instances in 2016. Although there are advance payments for legal fees, since transportation and accommodation costs are not provided, lawyers cannot travel to rural areas and it makes the local legal aid system itself non-functional.

(3) Informal justice is complementary to formal justice

Informal justice functions in many countries as a complementary system to formal justice. The informal system is based on the systems that were traditionally established and maintained before the colonization and history of independence of each country. It has been functioning in each country as a response to the challenges of the formal justice systems established and introduced after independence.

- As characterized in **Malawi**, the village heads, village mediators, religious leaders, and the police are the contact points for dispute resolution in the community. In particular, village mediators, who are community volunteers trained by NGOs and donors, function as the first contact for villagers and are responsible for resolving minor disputes.
- In **Niger**, conflict resolution is also carried out by district chiefs, Christian and Muslim leaders, who exist at the district level in both urban and rural areas. Thus, the Alternative Justice System (AJS) plays a complementary role to formal justice. Mediation, Reconciliation, and Arbitration are the main methods used in AJS.
- In **Kenya**, the AJS is enshrined in the Constitution as an "alternative dispute resolution mechanism". As represented by the Maasai people in Kenya, the issue of basic human rights seems to happen continuously because people tend to rely on AJS. In some areas, however, formal justice intervention is required because the AJS does not necessarily adequately address the issue of GBV and the human rights of children due to cultural and social backgrounds and practices.

(4) Paralegals as legal aid service providers

A paralegal is a concept developed in the U.S. It refers to a staff member of a law firm who is not qualified as an attorney but is engaged in professional work. According to the guidelines of the American Bar Association, a paralegal can perform almost the same work as an attorney under certain conditions. Specifically, they are responsible for drafting legal documents, conducting legal research, and maintaining case records. According to the Japan Federation of Bar Associations, although national certification is not necessary, paralegals require professional knowledge of the law. They are often engaged in translation, document preparation, literature research, collection of materials, and analysis of materials incidental to legal work.

In order to expand the pool of human resources for formal and informal justice and to improve the quality of services, many countries have implemented training programs for paralegals. In particular, Tanzania, Zambia, and Niger have institutionalized paralegals as the following.

- **Tanzania** is focusing on the paralegal system and human resource development to achieve access to justice at the grassroots level. There are more than 4,000 paralegals, and from September 2021, the Ministry of Justice, law schools, and UNDP will collaborate to develop paralegal qualifications and curriculum.
- In **Zambia**, government training institutions prepared a paralegal training curriculum with the support of GIZ, and a unified training system has been established since 2018. Legal Aid Act 2021 formally defines the qualifications and scope of practice for legal assistants, paralegals, CSOs, and universities.

- **Niger** has established a system of paralegals (DCOs) composed entirely of law students, who assist in the preparation of court documents in the provinces and practice legal representation in some courts.

(5) Lack of legal knowledge is not only due to the public's indifference to the law and their rights but also due to lack of information sharing on the part of the judicial administration

Lack of knowledge and understanding of the law is often discussed in terms of "Access to Justice," which includes people's indifference to the law and their rights, and lack of or inadequate means of access to justice. On the other hand, it can also be argued as a concept of "Access from Justice," in which the judicial administration's effort to promote public understanding of the contents of laws that are often considered difficult to understand and devise ways to communicate them.

- As presented by the case of **Côte d'Ivoire**, the language used in the courts is French, but the legal terminology is difficult not only for the illiterate but also for the general public, making it difficult to understand the law and legal procedures. Language barriers are considered to be one of the factors that contribute to a bad image of formal justice and inhibit access to justice.
- In addition, the low literacy rate of the population is linked to a lack of knowledge, and this issue is being addressed through the use of various media, especially radio, are being used to disseminate information. In some countries such as **Rwanda, Malawi, and Niger**, the role of **community radio** broadcasting in tribal languages has been found to play a significant role to overcome the language barrier.

There are **a lack of information about the law and the legal aid system**, a lack of knowledge about the institutions, and means to seek assistance when faced with legal problems. In many countries where networks of judicial systems and administration are not sufficiently developed, access by the general public is difficult, especially in rural areas. In response, each country has adopted different measures to address the issues.

- In **Zambia**, the Legal Aid Amendment Act of 2021 specifies that law enforcement officers in police, prisons, and other institutions must inform suspects and prisoners of their right to legal aid.
- In some countries, including **Kenya**, **mobile legal clinics** in the form of trucks or containers have been deployed in rural areas where the internet network is not well developed.
- In **Rwanda**, a traditional development tool that Japan has been using in the fields of education and health, "**picture-story show**" is also being used for access to justice.

(6) Use of ICT

There is a great deal of variation in the introduction of ICT in the court system in each country, with significant differences between Eastern Africa where the communication environment is reasonably well developed, Western Africa where it is still inadequate, and Southern Africa is in between.

In Tanzania and some parts of Kenya, online judicial proceedings have been introduced, but the infrastructure is still inadequate and capacity is lacking. On the other hand, in Western Africa, the communication environment is not well developed, and paper-based processing and handling are the mainstream in judicial proceedings.

In addition, in rural areas access to the court itself is difficult especially where transportation infrastructure such as roads is underdeveloped. An e-filing system can significantly reduce travel time and transportation costs. The introduction of e-court utilizing video conferencing is highly beneficial because it eliminates the need for court personnel to travel to local areas.

(7) Call center further developed in Cote d'Ivoire; great interest in each country

The call center in Cote d'Ivoire, which started its operation in 2016, has since received support from UNDP/GIZ to expand its facilities. In addition, from 2021, it will also start accepting inquiries using Facebook, which expands its service scope. This can be a reference for ICT that utilizes multiple media. Almost all countries have expressed interest in the call center, especially in Western Africa and in the rural areas of each country where the internet is not well developed.

(8) Need for one-stop centers (OSCs)

Depending on the issue and content, cross-sectoral support such as health, medical care, mental health, social welfare, etc. is often needed in addition to the judicial field. In particular, in the field of GBV, a model of comprehensive support for the protection and support of victims is being developed in many countries.

- In **Tanzania**, the Integrated Justice Center (IJC), an issue-specific one-stop center building, has been established in seven locations at the initiative of the High Court, which includes the GBV Desk and the Family Disputes Desk.
- As a UNDP-supported program, **Zambia** has established GBV One-Stop Centers (OSCs) at the village level, which conduct awareness-raising activities and referrals to other organizations regarding GBV, and provide legal aid services in collaboration with NGOs.
- In **Malawi**, at the initiative of the Ministry of Gender and the Ministry of Health, OSCs have been established in District Hospitals in each province since 2009 to support victims of GBV, providing medical care, counseling, awareness campaigns, and follow-up on cases both at home and in court. In some cases, OSC staff also assist victims to appear in court, and CSOs that provide legal aid provide legal representation to the victims.

(9) EU, UNDP, and GIZ have a presence among international organization donors

International donors and NGOs have been active in the area of access to justice. In each country, UNDP has implemented or is implementing access to justice programs such as strengthening the capacity of legal aid providers and vulnerable groups. The major donors are active in a wide range of fields, but the main activities in each country can be summarized as follows, with the possibility of future collaboration and cooperation.

- In **Kenya**, UNDP is working with the National Legal Aid Service (NLAS), an agency under the Ministry of Justice established under the Legal Aid Act 2016, to implement legal aid measures. In collaboration with UNDP, NLAS provides services in 12 provinces, mainly in the northern part of the country, where judicial depopulation and poverty are problems, but there are still regional disparities.

- In **Tanzania**, UNDP, together with DFID, DANIDA, and others, is implementing the Human Rights Protection and Enhancement Project. It is also working with the Ministry of Constitutional Affairs and Legal Affairs (MOCLA) and the Public Prosecutor's Office to carry out inspections of detention facilities as well as advocacy on issues such as bail and probation for detainees.
- In **Zambia**, the EU/GIZ has provided support for the formulation of legal aid policies and legislation, as well as for the institutionalization of paralegals and the development of standardized training and certification systems. In addition, the EU/GIZ continues to provide comprehensive support, including capacity building of judicial institutions and strengthening of legal aid services through NGOs.
- UNDP is working with UNFPA, UNICEF, and others on a GBV-focused project called the Spotlight, targeting nine African countries, including **Niger and Malawi**². UNDP supports 1) legal counseling and legal aid, 2) capacity building of criminal justice personnel, and 3) ICT in the judiciary and courts.

(10) Sustainability in Access to Justice

Sustainability is a major issue in all countries. To sustain the **legal aid system**, the Ministry of Justice needs to secure the necessary budget, especially to raise the fees for lawyers. In some cases, funding was cut off after the completion of a project supported by international donors. **Mobile legal clinics** also play a major role in providing legal advice to vulnerable groups, educating the general public about the law, and supporting applications for legal aid. However, it is dependent on donor funds for its operation. It is necessary to continue to seek ways to ensure sustainability through cooperation with the **private sector**.

(11) Comparison of the basic information on legal aid

The number of lawyers, the legal aid budget, and the institutionalization of paralegals and mediators in each country are summarized in the table below.

The number of lawyers per capita is higher in Southern and Western Africa compared to Eastern Africa, and the shortage of lawyers is particularly pronounced in Niger which is 182,030 people per lawyer. It is also important to note that the regional disparity of the availability of lawyers is a serious issue where 70-90% or more lawyers are concentrated in the capital city. In Japan, the concentration in the capital area is below 50%. In terms of the budget for legal aid, there is a significant gap between the size of the budget in Kenya and that in the Southern and Western countries. The use of paralegals and mediators for alternative dispute resolution (ADR) is being promoted in many countries, and the institutionalization of mediators is particularly advanced in Eastern and Southern Africa. As for the legal aid budget, there is a large gap between the size of the budget in Kenya and that in Southern and Western Africa.

² Spotlight Initiative website [url](#)

Table 1-2 Summary of basic information on legal aid in each country

Country	Population *1 (10,000 people)	Number of lawyers	Population/ Lawyers (1,000 people)	The ratio of lawyers in the capital	Legal aid budget (US\$ in 10 thousand)	Institutional ization of paralegals	Institutional ization of mediators
Kenya	5,377	18,000	3	70%	1,657	X	O
Tanzania	5,973	10,113	6	-	-	O	O
Rwanda	1,295	1,324	10	-	-	X	O
Zambia	1,838	1,290	14	-	224	O	O
Malawi	1,913	588	33	-	87	X	△*2
Côte d'Ivoire	2,638	593	44	99%	30	X	X
Niger	2,421	133	182	99%	7	O	X
Senegal	1,722	325	53	90%	90	X	O
Japan	12,530	43,126	3	48%	2,929*3	X	O

Source: JICA Survey Team

*1 World Development Indicator Population in 2020

*2 Operational at the village level, but not officially documented

*3 Based on the FY 2019 budget of Legal information center in Japan (Houterasu) (JPY 32.1 billion)

Chapter 2. Survey Findings from Kenya

2.1 Summary

(1) Surveyed area

Kenya's administrative units are sub-counties, wards, and villages under each county, according to the County Government Act³⁴. In this study, two urban (Nairobi, Kiambu) and four rural (Kilifi, Kajiado, Laikipia, Kisumu) areas were surveyed.

(2) Survey summary

Formal Justice: The legal system is a Common Law system, as the former colonial ruler, the United Kingdom. The judicial system includes the Supreme Court, the Court of Appeal, and the High Court (Superior Court), as well as the Magistrate's Court and the Islamic Law Court (Lower Court).

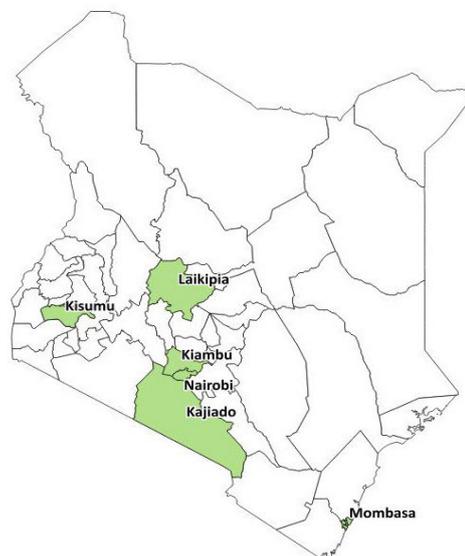
In urban areas, formal justice is used to some extent, but in rural areas, informal justice is more familiar to citizens because of the long distances to courts and the lack of sufficient numbers of courts, the time consuming and expensive procedures, the lack of knowledge of formal justice among residents, and the social and cultural preference for settlement through amicable discussion between the parties. The fact that formal justice is time-consuming and expensive is an issue common to both urban and rural areas.

Informal Justice: The Alternative Justice System (AJS) is enshrined in the Constitution, with mediation, reconciliation, and arbitration (in the business sector) established nationwide. It is used in a complementary manner to formal justice, but there are some areas, such as GBV and children's rights, where the AJS does not work and formal justice intervention is necessary.

In rural areas, the Chief, Chief's Council, religious leaders (churches, mosques, etc.), and local government are responsible for conflict resolution. In some areas, there is also a system called Nyumba Kumi (community policing system), in which neighbors form to resolve neighbor-to-neighbor, mainly criminal cases.

Ensuring the quality of AJS bearers is an issue, and capacity building is being discussed at the Mediation Training Center and Arbitration Training Center.

Legal Aid Service: The National Legal Aid Service (NLAS), under the Office of the Attorney General and the Department of Justice, was established under the Legal Aid Act 2016 to implement legal aid measures. In cooperation with UNDP, the organization provides services mainly in the northern part of the country, where there is a problem of judicial depopulation and poverty, but there are still regional disparities.



Source: JICA survey team

Figure 2.1 Survey areas in Kenya

³ County Governments Act No. 17 of 2012

⁴ With the enactment of the new constitution in 2010, it was decided that the 47 counties would be the units of local administration (decentralization) instead of the central government-led state system based on the provinces that had existed since independence.

Use of ICT: The judiciary has started to use ICT in court proceedings, and online trials are being conducted. However, there are many issues such as lack of operational capacity, lack of information sharing for the public (Supreme Court), and lack of infrastructure (prisons), etc. There is a need to take care of those who are left behind by IT, and the services such as call centers can be utilized for those people to improve their access to justice.

Network on Access to Justice: The first chair of the East Africa Legal Aid Providers Network was taken by NLAS in Kenya, and now the chair has been handed over to Tanzania.

Access to justice challenges: There are challenges common to other countries, such as insufficient budgets for legal aid and ICT for justice, lack of human resources for formal justice, lack of knowledge and understanding of the law, regional disparities, human rights issues in criminal justice, and lack of legal representation, as well as inadequate human resource development for AJS. In some regions, it became clear that the problem of basic human rights is systematically continuing due to the AJS-oriented system (Maasai women are still not allowed to own property, and there are cases where ethnic customs hinder cooperation and collaboration with public institutions). In addition, although UNDP and other donors are actively engaged in legal education and awareness-raising activities for the general public, they are still not sufficient.

2.2 Governance and judicial sector

2.2.2 Judicial system

The Kenyan judicial system consists of a dual structure of case law and equity based on the Common Law system, which is based on the British legal system, and customary law. Dispute resolution through customary law is also recognized in the Constitution (Article 159 of the Constitution of Kenya, 2010 enshrines "alternative dispute resolution mechanisms") and has a significant influence on Kenyan society.

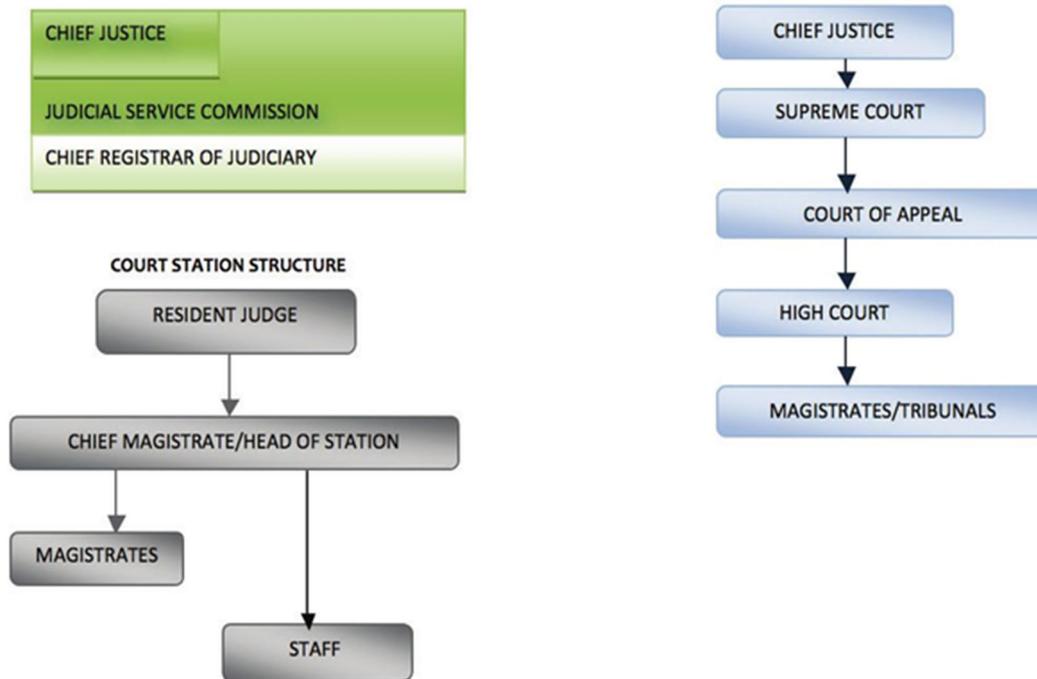
2.2.3 Organizational structure

The judiciary is under the jurisdiction of the Office of the Attorney General and the Department of Justice. The National Legal Aid Service (NLAS) is under its umbrella⁵. It is divided into the following departments.

- Civil Litigation
- Legislative Drafting
- Registrar General
- Registrar of Marriages
- Registrar of Societies
- Registrar of Coat of Arms
- Public Trustee
- Advocates Complaints Commission
- International Law
- Legal Advisory and Research Division
- Government Transactions

⁵ [Home - The Statelaw Office and Department of Justice](#)

The structure of the judiciary is shown below.



Source: The Judiciary of Kenya: Corporate Strategic Plan 2014-2018

Figure 2.2 Structure of the Judiciary

In addition, the staffing within the judiciary is as follows



Source: The Judiciary of Kenya: Corporate Strategic Plan 2014-2018

Figure 2.3 Staffing within the Judiciary

2.3 System of formal and informal justice

2.3.1 Court system

The formal justice system is based on the 2010 Constitution and consists of four levels. From the top of the hierarchy, there is the Supreme Court, the Court of Appeal, and the High Court, as well as the Industrial Court for labor cases and the Environmental and Land Court for land and environmental disputes as special courts.



Supreme Court

The Magistrate Court has 5 tiers according to the amount of claim, and handles almost all civil and criminal cases, but there is also a Court Martial for military personnel and Kadhi court for Islamic matters. As of 2019, 85.5% of Kenyans are Christian and 11% are Muslim⁶.

According to the data for 2019-2020, the High Courts are located in 39 counties and the Security Magistrate Courts have 127 branches. In addition, 59 mobile courts (where security magistrates are posted in rural areas) are functioning.

In addition, there is a quasi-judicial tribunal created under the law, but it does not deal with criminal cases. It handles cases in limited fields such as political trials, environmental trials, sports, HIV, PPP, traffic licensing, and legal education.

In addition, the Judicial Service Commission determines the staffing of the judiciary.

2.3.2 Alternative dispute resolution systems

(1) Mediation

The 2010 Constitution specifies "alternative dispute resolution mechanisms" (Article 159). In addition, the Civil Procedure Act Kenya recommends that alternative proceedings be taken before trial.

As part of this process, court-annexed mediation has already begun. If the case is submitted to mediation, the mediation agreement has the same effect as a court order (lawyers can be retained at the time of mediation, but they cannot represent the parties, and it is the parties who make the mediation agreement). If no agreement is reached, the case is sent to trial.

For screening through mediation, there is a process of pre-mediation for disputes involving emotions, such as family disputes (e.g. divorce), labor cases, and some civil cases. This process is under the jurisdiction of the Deputy Registrar of Kenya (DR) under the High Court.

Court mediators are trained and certified by the Mediation Training Institute (MTI) for a prescribed number of hours (usually 50 hours) of pro bono work (a high school diploma is required). MTI is the Kenyan branch of the

⁶ 2020 International Religious Freedom

International Mediation Institute, based in The Hague, Netherlands, and is the umbrella organization in Eastern African countries.

The fee for each mediation is 20 thousand KES (about US\$200) and the duration is about 60 days, although it can be completed in four or five sessions, depending on the case.

Currently, coordination with mediators is in the process of shifting to online (introducing mediators via email). Some of the challenges are: (1) some parties cannot use online (especially in rural areas), (2) understanding that mediation is an amicable dispute resolution is not widespread because the general public lacks knowledge of the system and procedures, and (3) the courts are behind in paying mediation fees.

(2) Informal justice

1) Village Chief

In rural areas, village chiefs and councils of village elders play a major role in resolving disputes, especially in family disputes. Criminal cases that cannot be resolved by the village chiefs are brought to the police. The local government is also supposed to conduct ADR and friendly dispute resolution⁷.

2) Religious leaders

The religious leaders, heads of churches and mosques, likewise play a role in conflict resolution among the local population. There are religious bodies that unite religious leaders including the National Council of Churches of Kenya (NCCCK) for Christian churches, the Supreme Council of Kenya Muslims (SUPKEM) for Muslims, and the Inter-Religious Council of Kenya (ICRK)⁸ as a coordinating body for different religions.

Some religious organizations also run legal aid clinics in collaboration with the Law Society of Kenya (LSK) (Christ Is the Answer Ministry Church, Buruburu).

3) Processing by ethnic rules (e.g. Maasai, Luo, and Kalenjin)

More than 40 different ethnic groups are living in Kenya, and their local rulings are often done according to the ethnic group's own rules. In particular, the Maasai, who live as nomadic pastoralists in the region from southern Kenya to northern Tanzania, have their own rules, and both civil and criminal cases are settled according to Maasai rules, with the chief as the center of the dispute resolution (e.g., murder is atoned for with 49 cows)⁹. For the Maasai, the primary dispute resolution is based on tribal rules, and the official court system is only used as a secondary means of dispute resolution (cases involving children are sometimes brought to court).



Meeting with Masaai Leaders

⁷ Inter-governmental Relations Act of Kenya, 2012

⁸ Baseline Study: Tradition- & Faith-Oriented Insider Mediators (TFIMs) as Crucial Actors in Conflict Transformation

⁹ Interview in Oloitokitok, Kajiado County (6/5 2021)

However, according to Maasai women's NGOs, AJS does not work well in areas where there is a lot of pressure on women and children due to problems with the traditional Maasai system (i.e., (1) women do not have the right to share land and property (Community Land Act), (2) chiefs and elders who resolve disputes are in principle men, and they also have the right to rule within the Maasai village (i.e., three branches of government-legislative, administrative and judicial are not separated)). In the case of GBV, sexual violence, child marriage, etc., the intervention of public institutions is necessary for the protection of vulnerable groups.

However, the extent of reliance on customary law and tribal rules varies considerably from tribe to tribe, and it seems that the Luo and Kalenjin take advice from paralegals to balance tribal rules and constitutional rules in resolving disputes. Unlike Maasai, some of the Elders' Councils¹⁰ in the Luo¹¹ and Kalenjin tribes have women elders, and in the Kalenjin tribe, they were also involved in mediation.

In addition, the JICA Study Team observed two community mediation sessions (Kipgaa sessions) conducted by Kalenjin elders. The first was a land boundary dispute between neighbors. 8 elders were present, the chairperson was a man, whereas 2 of the 8 elders were women. There were three paralegals present (two of them; female). After the parties explained the situation, the elders asked a few questions. The second case was a family dispute (over the payment of child support), which was brought to the elders' community mediation after it was not resolved through a complaint to the Assistant Magistrate Chief and the Children Department.



Mediation of the Kalenjin Tribe

(Left) Five people lined up by the window are the elders (Right) The paralegals in the vests were advisors

4) Nyumba Kumi

In many parts of Kenya, there is a system called Nyumba Kumi (community policing system), in which neighbors form to solve (mainly) criminal cases between neighbors. The purpose is to maintain public order and the activities are unpaid. UNDP is also providing training for chiefs in their project (PLEAD). In Kisumu in the western part of the country, paralegals called Human Rights Defenders work with the police and Nyumbakumi to provide support in criminal cases on a volunteer basis. In some cases, they report to the police first and then conduct ADR¹².

¹⁰ 2021/9/21 Interview and mediation observation at Eldoret

¹¹ 2021/9/20 Interview at Kisumu

¹² 2021/9/20 Interview at Kisumu

5) Paralegals

Paralegals are the legal aid providers authorized by the Legal Aid Act, 2016, and they play one of the roles of informal justice by providing legal assistance in the community, including mediation, legal advice, legal information, and assistance in document preparation. They also assist in judicial proceedings in the courts, thus bridging the gap between the formal system and informal justice. In addition, it is also responsible for legal awareness and judicial education in the community. The details will be explained in 2.6.3 (3) "Status of Legal Aid provision, key institutions and users.

2.4 Basic information on legal practitioners

2.4.1 Number of legal practitioners

The number of lawyers in Kenya is approximately 18,000 to 20,000 (as of the end of 2019). Out of them, 70% are concentrated in Nairobi and its suburbs¹³. The Thika Bar Association, which unites Thika, a town near Nairobi where the JICA survey team conducted interviews, has 300 lawyers in Nairobi and its suburbs.

Concerning the number of judges, prosecutors, and lawyers, the International Development Law Organization (IDLO) has issued a report on the desirable and current number of these three legal professions, as follows¹⁴.

Table 2-1 Number of judges, prosecutors, and lawyers

Position	Capacity	Number of people as of 2019	Male	Female
Judge (appellate court)	30	19	12	7
Judge (High Court)	150	160	97	63
Security judge	-	455 ¹⁵	284	238
Public prosecutor	927 ¹⁶ (Appropriate number)	630	-	-
Lawyer	-	Approximately 18,000	-	-

Source: International Development Law Organization (2020)

The number of personnel and the percentage of women in the judiciary is as follows

Table 2-2 Number of personnel in judicial institutions (Female)

Position	2012-2013	2018
Judge	45 (38%)	64 (41%)
Security Judge & Legal Officer	255 (48%)	215 (42%)
Judicial Staff	1,703 (45%)	2,423 (49%)

Source: International Development Law Organization (2020)

2.4.2 Qualifications

In order to qualify as a lawyer, a person with a law degree (university level) can call himself or herself a Lawyer, but to call himself or herself an Advocate, a person must complete The Kenya School of Law, and pass the bar

¹³ Interview at Thika (June 4, 2021)

¹⁴ <https://www.idlo.int/publications/womens-professional-participation-kenyas-justice-sector-barriers-and-pathways>

¹⁵ According to the judiciary website: <https://www.judiciary.go.ke/courts/>. The disparity clearly points to poor updating of the Judiciary website.

¹⁶ https://www.odpp.go.ke/wp-content/uploads/2020/10/ODPP-Newsletter-2020-OCTOBER-10-ISSUE-III_compressed.pdf at p.

exam by the Council of Legal Education, which regulates the education of university and law school. The Council of Legal Education, established in 2013 under the Legal Education Act, 2012, is the accrediting body¹⁷ for legal qualifications and formulates curricula for university law degrees, law school lawyer qualifications, and paralegal qualifications. It also provides accreditation for legal aid clinics. In addition, legal aid clinics are included in the universities regulated by the CLE, and there have been requests to create an online platform for intra-university clinics and to create a unified central program for all universities in Kenya¹⁸.

In addition, an advocate in the High Court of Tanzania, Uganda, Rwanda, Burundi, or Commonwealth, can be regarded as having the LLB (Law Degree), however, for LLM, they will need to pass a separate examination.

2.4.3 Training

The Law Society of Kenya has a Continuous Professional Development (CPD) Program.

2.4.4 Involvement of lawyers in the dispute resolution

(1) Involvement of lawyers in dispute resolution

Lawyers are involved in dispute resolution at various levels, both inside and outside the courts. In addition to providing legal advice to clients, they represent clients in litigation in court, assist in mediation and settlement outside of court, and are involved in the arbitration. The lawyer's duties include confidentiality, the duty to charge reasonable fees, and the duty to properly represent the client.

(2) Remuneration structure

Lawyers are entitled to receive remuneration for cases, consultations, and proceedings in which they are involved. The minimum amount of remuneration is prescribed in the Advocates (Remuneration) Order and is subject to this order. Advertising and promotion by lawyers are generally prohibited by the Advocates (Marketing and Advertising) Rules, 2018.

Pro bono work is encouraged, but the distinction between "legal aid" and "pro bono work" is blurred even under the Legal Aid Act No. 6 of 2016. Pro bono, which provides credit from the National Legal Aid Service (NLAS) for "legal aid" activities. They also receive Continuing Professional Development (CPD) points. CPD points are determined by the Continuing Education Committee of the Law Society of Kenya (LSK) following Regulation 11 of the Advocates (Continuing Professional Development) Rules, 2014.

There is no provision for the provision of free legal services. In general, pro bono is provided free of charge, but a pro bono fee of 30 thousand KES (about \$280) may be paid.

In 2019, 75 Advocates participated in the Women Lawyers Association (FIDA-Kenya) pro bono program, and 210 participated in the Law Society of Kenya pro bono program. Considering that the total number of lawyers is 20,000 (12,000 are active), the number is still small and sustainability is a challenge.

The Advocates Act stipulates that a person must be an Advocate admitted to the High Court to provide legal aid.

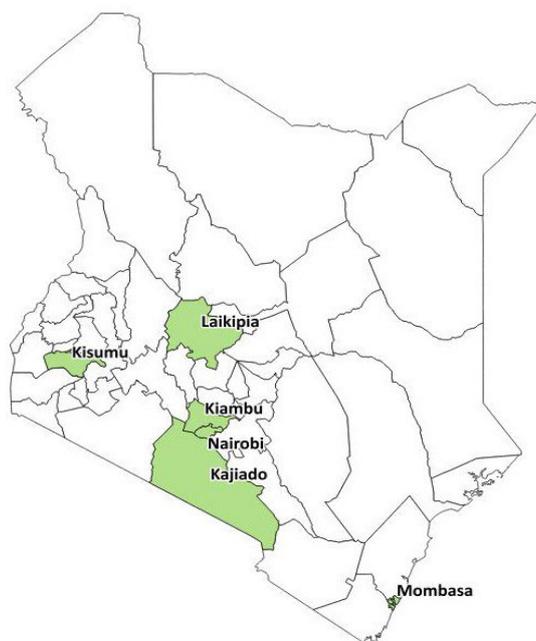
¹⁷ <https://cle.or.ke/>

¹⁸ Interview to CLE on 2021/12/14

2.5 Social needs analysis for access to justice

2.5.1 Common disputes and means of resolutions

Kenya's administrative units are sub-counties, wards, and villages under each county under the County Government Act¹⁹. This study was conducted in two urban areas (Nairobi and Kiambu) and four rural areas (Kilifi, Kajiado, Kisumu, and Lakipia)²⁰.



Source: JICA Survey Team

Figure 2.4 Survey areas in Kenya

Table 2-3 Overview of the survey areas in Kenya

Area	Name	Overview
Urban	Nairobi	The capital of Kenya. Population 4.92 million. Commercial city. A large gap between rich and poor, with 40 slums and 60% low-income population.
	Kiambu	The population is about 2.41 million. Due to urban expansion in Nairobi, Kiambu is 60% urban and 40% rural (farming area).
Rural	Kilifi	Area with coastal tourist cities (Mombasa, Malindi, Watamu). The population of about 1.45 million. Consists of ethnic Swahili. Mostly Muslim.
	Kajiado	The population of about 1.12 million. Many Maasai, a pastoral nomadic tribe, live here. They have their own rules and traditions.
	Kisumu	Western part. The population of about 1.16 million. Luo community. Major industries include fishing and sugarcane farming.
	Lakipia	A multi-ethnic region with a population of about 520,000. The Kikuyu, Maasai, Turkana, Kalenjin, Samburu, Pokot and other tribes live in the area. The main industries are grain farming, cattle breeding, and horticulture.

Source: Compiled by the JICA Survey Team

¹⁹ County Governments Act No. 17 of 2012

²⁰ See also Hope Beyond Foundation survey in rural areas (Kajiado) and Equality Now survey in urban areas (Nairobi).

(1) Common disputes

In rural areas, land disputes, domestic violence, and defamation account for the majority of disputes, while in urban areas, large-scale economic crimes and high-risk crimes such as fraud, drug possession, and theft are also common²¹.

According to the interviews, disputes over children (their upbringing and custody, etc.), labor disputes, and divorce issues were also typical, especially in the urban areas of the Kisumu region.

Traditional Dispute Resolution mechanisms such as chiefs, community, and religious leaders, as well as police officers, community councils, Nyumbakumi, and ADR mechanisms, are responsible for conflict resolution. Probation officers also play an important role. The Office of the Director of Public Prosecutions (ODPP) also recognizes chiefs as dispute resolution agents and trains them in dispute resolution²².

In the southern part of the country, the Maasai and other ethnic groups live in Kajiado, and they have their own rules for conflict resolution. The most common disputes is theft, and in the case of murder, they pay with 49 cows.

(2) Challenges for vulnerable groups

- The following groups are assumed to be vulnerable groups. Women: Premature marriage (child marriage), GBV, sexual discrimination, and divorce problems. Although female genital mutilation (FGM) and child marriage are prohibited by law in Kenya, some cases are still reported²³. In addition, there are cases of young Maasai women moving across the border who crossed the Tanzanian border and underwent FGM on the Tanzanian side.
- Children: support and custody issue, sexual violence, domestic violence, and discriminatory treatment of children.
- People with disabilities: GBV, discriminatory treatment, etc. There is also the Organization of People with Disability²⁴, which conducts awareness-raising activities such as providing information and training on how to get help when faced with GBV.
- The poor: Vulnerable groups in Nairobi include people living in a slum, who often face criminal charges resolved through police mechanisms.
- Other vulnerable groups include the elderly, refugees and displaced persons, HIV patients, religious minorities, ethnic minorities in the region, veterans, etc. Lack of IT literacy and access to communication are also challenges to some of those groups.

²¹ By interview with local consultant Kilifi Mombasa.

²² By interview with local consultant Malindi

²³ By interview with local consultant Kajiado, Nairobi

²⁴ By interview with local consultant Organization of People with Disability Kiambu Chapter

2.5.2 Public perception towards the judicial system

According to the January 2021 Corruption Perceptions Index (CPI) report, Kenya's corruption score is low at 31/100 (the sub-Saharan average is 32 and the global average is 43). Countries with high levels of corruption are also considered vulnerable to a Covid-19 pandemic.

However, the number of cases filed in the courts has increased from 334,180 in 2016-2017 to 402,243 in 2017-2018. This can be seen as an indication of a gradual increase in confidence in the public court system.

According to the Afro barometer²⁵, 60% of Kenyans say they are satisfied with the trial and out-of-court proceedings. However, according to this survey, less than 10% of Kenyans have gone to court in the past two years. Even in Kenya, informal proceedings are preferred over public court proceedings due to the challenges of being slow, expensive (including legal fees), and far from rural areas. According to this survey, dispute resolution routes can be divided into the following types.



Source: Afrobarometer

Figure 2.5 Dispute Resolution Routes

2.6 Policies and institutions for access to justice

2.6.1 National policies on access to justice

(1) Constitution

In the 2010 Constitution, Articles 48 and 159(2) refer to the promotion of access to justice.

(2) National policy

The National Action Plan on Legal Aid (2017-2022) is currently in force. The focus areas of the National Plan include enforcement of legal aid, improving access to justice through legal literacy, establishing partnerships with legal aid providers, establishing sustainable mechanisms for legal aid, and integrating legal awareness activities and legal aid into social welfare services. It is also trying to strengthen legal aid through the use of paralegals.

In the Plan, "Promotion and Institutionalization of Paralegals" is listed as an Action Plan (A.iii) and Strategic Objective 4 based on it (along with promotion of the use of Alternative and Traditional dispute resolution). It also seeks to strengthen legal aid through paralegals. It also mentions the strengthening of the functioning of the

²⁵ Afro barometer Round 8 Survey carried out between 28th August and 26th September 2020

paralegal system, including the design of a training system, the setting of training and standards to ensure quality, and ensuring the number of trained paralegals (Strategic Goal 4). Strategic Objective 3 iii. also points out that paralegals, along with community-based legal aid centers, can be effective in providing judicial information.

There is also the Alternative Justice System (AJS) Policy to promote the AJS, which is expected to be completed by the end of February 2022.

(3) Legal Aid Act 2016

Legal Aid is enacted under Articles 48 and 159 of the Constitution. It is believed that the Law Society of Kenya (LSK) was instrumental in its enactment. The Act establishes the National Legal Aid Service (NLAS) and provides for procedures for legal aid in civil and criminal cases, children's cases, constitutional cases, and public interest cases. The law also mentions the strengthening of the functions of paralegals. An "Accredited Paralegal" is listed as one of the legal aid providers (Article 2).

2.6.2 Institutions and jurisdiction on access to justice

Under the Legal Aid Act 2016, NLAS was established under the Office of the Attorney General and the Department of Justice to coordinate legal aid delivery networks in East Africa and to provide assistance to the indigent, vulnerable and marginalized people, including women, children, the disabled, and the economically disadvantaged, NLAS also assists indigent, vulnerable and marginalized people such as women, children, the disabled and the economically disadvantaged. In addition, NLAS is planning to become an independent agency in the future.

Besides the judiciary and parliament, the Kenya Law Reform Commission (KLRC), Kenya Prison Service, Kenya Police Service, Office of the Director of Public Prosecutions (ODPP) The Kenya Law Reform Commission (KLRC), the Kenya Prisons Service, the Kenya Police Service, the Office of the Director of Public Prosecutions (ODPP), the Probation & After Care Service, and the Kenya National Commission on Human Rights are all working to improve access to justice in their respective areas.

In addition, related organizations for legal aid include the following.

- National Legal Aid Service
- National Anti-Corruption Campaign Steering Committee
- Directorate of Legal Affairs
- Victim Protection Board
- Governance, Justice, Law, and Order sector

2.6.3 Legal aid system and service

(1) Overview of legal aid

The legal aid system is led by the National Legal Aid Service (NLAS) established under the Legal Aid Act 2016 to provide legal services to vulnerable, poor, and marginalized groups. These include free legal advice and representation in civil and criminal cases, children's cases, constitutional cases, and public interest cases;

involvement in ADR and assistance in ADR procedures; psychosocial counseling; and facilities for online court appearances (in Mombasa, Kisumu, Eldoret, Nakuru, and Nairobi).

In accordance with the Legal Aid (general) regulations 2020, the recipient will submit a format (format to be attached). The legal aid provider pays NLAS the cost of receiving the credit. The cost to be paid by the recipient varies from one legal aid agency to another, with the International Association of Women Lawyers (FIDA) charging 500 KES (around US\$ 4.6), which may be waived depending on financial circumstances.

The criminal defense system (Article 157 of the Constitution) falls under the jurisdiction of the Office of the Director of Public Prosecutions (ODPP).

(2) Budget for legal aid

The budget for FY2021/2022 is KES 17.8 billion (US\$ 165.7 million). The budget for legal aid and the number of cases in the courts are as follows.

Table 2-4 Budget for legal aid and number of cases in courts

Item	2017-2018	2018-2019	2019-2020
Department of Justice Budget	KES 13.8 billion (US\$ 138 million)	KES 0.5 billion (US\$ 5 million)	KES 16.9 billion (US\$ 169 million)
Number of cases submitted	402,243 (Criminal: 283,788) (Civil: 118,455)	484,349 (Criminal: 343,109) (Civil: 141,240)	337,510 (Criminal: 249,199) (Civil: 88,311)
Number of cases processed	370,488 (Criminal: 243,821) (Civil: 126,667)	469,359 (Criminal: 300,728) (Civil: 168,631)	289,728 (Criminal: 203,976) (Civil: 85,752)
Backlog incident	553,187 (Criminal: 219,686) (Civil: 333,501)	569,859	617,582 (Criminal: 291,126) (Civil: 326,456)

Source: Local Consultant Survey

(3) Status of provision of legal consultation and the types of providers and users

- NLAS activities include the use of paralegals, awareness-raising through radio talk shows (in multiple languages), call center, administrative registration center (Huduma Center: covers 47 states (52 centers nationwide), activities for e-court (there is a center in the office that does e-filing/e-hearing together), chief training (e.g. capacity building for ADR). In addition, a government counterpart to the UNDP PLEAD program is working in 12 provinces, mainly in the north (legal aid clinics in collaboration with CSOs, development of ICT materials, awareness-raising forums, etc.).
- The Attorney General's Office, the International Commission of Jurists -Kenya Section, the Office of the Director of Public Prosecutions (ODPP), the National Council on Administration of Justice, and educational institutions (Egerton University, see below) also provide legal aid. There is also the Public Law Institute (PLI), a religious organization (National Christian Council of Kenya (NCKK) in partnership with the Law Society of Kenya).
- Industry associations include the Law Society of Kenya, The International Federation of Women Lawyers (FIDA-Kenya), and ICJ Kenya, which provides training for paralegals.

- Some local governments also provide legal aid, such as the Mombasa County Legal Aid Unit.
- Paralegals;
 - (1) Legal Basis: The Legal Aid Act, 2016 defines paralegals as those who have been employed by NLAS or trained by an institution approved by the CLE (certified paralegals).
 - (2) Ministry and Bureau: NLAS
 - (3) Estimated number of paralegals: It is estimated that there are more than 3,000 community-based paralegals in the community as of 2017.²⁶
 - (4) Certification system (granting of paralegal qualifications) and training system: The Commission for Legal Education (CLE) is developing this system, but many aspects are still under consideration. Training of paralegals is conducted by domestic legal aid organizations, and the CLE is creating integrated standards for these organizations.
 - (5) Issues, Requests, and Future Developments: In addition to the curriculum for certification, an enhanced paralegal education curriculum is also being considered for already existing paralegals to ensure quality (Legal Education Act). Currently, the government is considering the possibility of offering a multi-tiered program with several levels depending on skills. They would like to refer to Zambia's three levels of certification. CLE's request for the future is to create a platform for the development of paralegal clusters and pro bono services for paralegals. CLE has more funds than universities.
- NGOs include Kituo Cha Sheria, a human rights NGO that provides legal aid to vulnerable groups in slums; KASH (Kisumu), which has developed an emergency app called Pata Haki to help sexually vulnerable groups in the West; Transparency International (Eldoret), which provides services to make complaints to the government; CSO Network (Kisumu), which raises awareness among the community; Center for Human Rights and Mediation (Eldoret), which targets GBV victims, widows, the disabled, and children and provides ADR legal support, counseling, and hospital referrals. The Center for Human Rights and Mediation pays paralegals allowance. These NGOs are responsible for legal aid at the grassroots level.

In addition, there is ACE (Action and Community Environment), which runs support programs targeting children (detained children have problems such as lack of access to education).²⁷

Common to all these NGOs, there are services such as legal aid clinics, paralegal training, and promotion of ADR and mediation in cooperation with local government.

In Kisumu, the CSO Network managed the Court Users' Committee to build a network of these NGOs and to integrate formal and informal justice²⁸.

²⁶ NAP-Legal Aid Policy 2017-22, P.29

²⁷ <https://www.ace-africa.org>

²⁸ 2021/9/20-21 Interview in Kisumu Eldoret

- FIDA -Kenya had 21,544 users (FY 2019-2020); NLAS had 1,206,904 users nationwide; CRADLE had 913 users; Kituo Cha Sheria had 17,617 users; FIDA had 207 clients who used its lawyers and 517 cases were filed.

(4) Measures to improve the quality of access to justice

1) Network building

A Conference of East Africa Legal Aid Providers has been held in each East African country, launched in 2018, and will become the East Africa Legal Aid Providers Network Conference in 2020, with the number of member countries increasing to Kenya, Tanzania, Burundi, and Uganda (Uganda is considering signing an MOU, and Ethiopia and Rwanda are in the process of being approached)²⁹. In addition, the East African and Horn of Africa Paralegal Network was formed, of which Ethiopia is a member. Kenya was the initial chair, and Tanzania is currently the chair, with the participation of ministries of justice and NGOs from various countries.

Common issues include the sustainability of the legal system funded by the government, but there are also regional characteristics. For example, paralegal activities are strong in Tanzania (the paralegal organization was formed by Tanzania), and Somalia is also sharing its ADR experience. The needs of the project include information gathering and compilation of initiatives and training materials for legal aid organizations and community paralegals in the AJS in each country.

The Bar Association also has a cross-sectoral connection through the East Africa Bar Association.

2) Outlook and Strategy

In 2017, a blueprint for the judiciary, *Sustaining Judiciary Transformation: A Service Delivery Agenda (2017-2021)*³⁰, was published, which includes the use of technology, reducing backlogs, and strengthening the ombudsperson system. In addition to pointing out that the country is seriously understaffed (154 judges and 494 security judges for 50 million Kenyans). The blueprint describes a strategy that aims to use technology, reduce backlogs, and strengthen the ombudsperson system.

For monitoring purposes, a new Judicial Service Grading (JSG) structure began to be operationalized in FY 2018-2019. Structural changes were made, such as reducing the number of grades from 17 to 11 (previously there were problems with slow promotions and unclear differences between grades)³¹. In addition, the Judicial Service stakeholders were to sign Performance Management and Measurement Understandings (PMMUs) annually³².

There is a Court Users' Committee that encourages the participation of the general public in court proceedings. This involves the participation of judges, security judges, prosecution agencies, police, lawyers, NGOs, etc. However, coordination (invitation, implementation and compilation of opinions) is time-consuming and the

²⁹ NLAS Hearing

³⁰ MEMORANDUM OF THE JUDICIAL SERVICE COMMISSION (JSC) TO THE Building Bridges to Unity Advisory Taskforce (BBI), August 2019

³¹ State of Judiciary and the Administration of Justice Annual Report 2018/2019

³² SOJAR Report 2018-2019

efficiency of this process needs to be verified³³. In Kisumu, it was said that it was being activated by the commitment of the CSO network and other relevant organizations.

2.6.4 Call center operation

(1) Ministry of Justice (1871-1948)

The main body of the Judiciary does not have a call center, but the NLAS under the Judiciary has a toll-free number. Through the toll-free number, legal information is provided as well as legal consultations. In the future, they hope to introduce e-record keeping for organizing legal information.

(2) Outside the Ministry of Justice

In addition to NLAS and LSK, there are also NGOs that operate the call center. In addition to providing information, they also provide legal advice and legal representation.

- There is no room in the LSK specifically for the call center, and it is staffed by a legal director and two assistants. There are three toll-free lines and about six Extension lines.
- LSK provides a telephone consultation service in the project called SIRD (Supporting Inclusive Resource Development). It provides supports for those affected by the mining and other environmentally hazardous industries in Malindi and other coastal areas (physical damage, land grabbing, income problems, etc.), and GBV. They started as a pilot in 2017, supported by Canadian Bar Association³⁴ and are receiving about 10 calls a day.
- The UNDP-supported Centre for Enhancing Democracy and Good governance (CEDGG) has a pro bono legal aid clinic in a corner of the Nakuru court premises and also provides a network for virtual courts. It also provides a network for virtual courts. It is not a call center, but there is a toll-free number and three lines are assigned to the person in charge; if one line is not answered, the person is connected to the next. In rural areas, the distance to receive legal assistance is an issue, so they are preparing mobile legal clinics in containers (containers large enough to hold about three rooms).



Mobile legal clinics in Container

³³ Thika Bar Association Hearing

³⁴ 2021/6/9 Based on hearing with LSK

³⁵ <http://lsk.or.ke/news/Request-for-Proposal-LSK-SIRD>

- The Faculty of Law at Egerton University, also supported by UNDP, has a pro bono legal counseling center in a corner of the university³⁶. The center is staffed by two students on Tuesdays and Thursdays. The consultation takes about 30 minutes, and cases requiring legal advice are referred to pro bono lawyers (25 in the Nakuru area). Mobile legal clinics are conducted at 12 locations. There is no call center here either, but there are four toll-free lines. Follow-up services are also provided after lawsuits have been filed.
- In Kisumu in the west, KASH³⁷, an NGO, targets sexually vulnerable groups such as women, sex workers, sexual minorities (MSM, transgender), HIV-infected persons, and persons with disabilities through 1) Toll-Free and 2) Pata Haki, an emergency app that provides information and legal advice online and via SMS. So far, 876 cases have been reported, targeting 1,500 people and currently reaching about 200 people. The toll-free system has been in place since 2015, with a panic button that can be pressed to reach a staff member. The staff will sort and refer the cases. The USSD will be integrated in the future³⁸.
- Targeting Turkana, Wajir West Pokot (since 2014), and Marsabit (since 2017), Transparency International has developed a web-based complaint reporting app³⁹. It accepts complaints from the general public, refers them to the authorities, and gets feedback from the authorities. Complaints can be directed to the Ethics and Anti-Corruption Commission or police agencies. There are 80 partner organizations, including county governments, CSOs, and local groups. In addition to online, SMS, toll-free, and paper-based forms are also accepted, and these are managed in a one-stop system. From 2014 until September 2021, out of 45 referred complaints, 15 were accepted by the authorities and 3 were resolved. 1,501 issues have been resolved through this system. As of September 2021, the number of subscribers is about 2,300, and the number of users who have used the system is about 160 (cumulative).
- Call center outlines for other organizations are shown in the table below.

Table 2-5 Call center overview

Field	Organization	Means	Service Summary
Labour	KITUO CHA SHERIA	SMS and toll-free numbers	According to the annual report, more consultations are received from SMS than from phone calls. For example, consultations received via SMS amounted to 2,510 cases in 2017.
Social protection and human rights	National Gender & Equality Commission	SMS service: 20459 Toll-free number: 0800720187	It works with the National Commission on Human Rights and the Commission on Administrative Justice to promote rights based on the principles of equality and freedom from discrimination.
GBV	FIDA-KENYA	Provides call services, but recommends in-person visits	According to the 2019 annual report, the top four issues consulted were custody and child support, marital status, succession, and land issues.

Source: Local Consultant Survey

³⁶ Egerton University Faculty of Law Legal Aid Project (FOLLAP)

³⁷ <http://www.kash.or.ke>

³⁸ 2021/9/20 Interview

³⁹ <https://tikenya.org/> Interview, September 21, 2021

2.7 Infrastructure supporting access to justice and public relations

2.7.1 Communication infrastructure

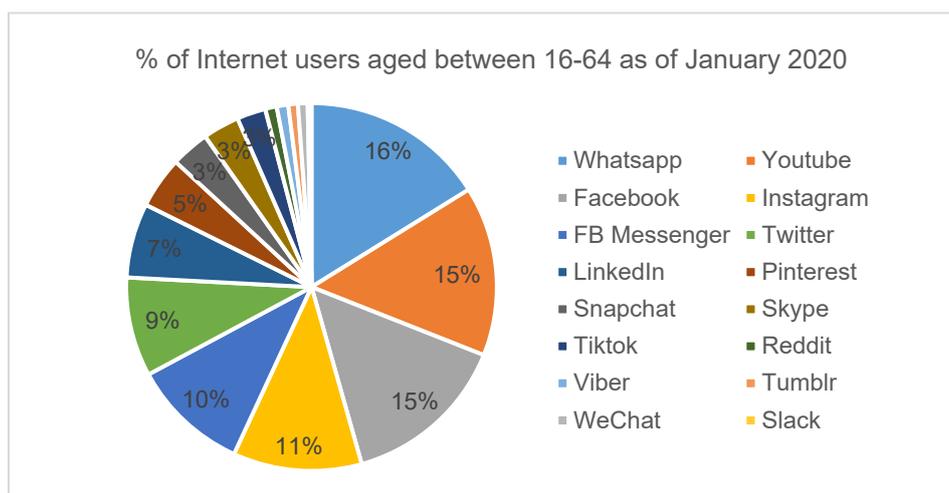
According to the Kenya Government's Communications Authority, the SIM-counted cell phone user rate was 119.9% in June 2020⁴⁰. 80% of adults had a cell phone in 2017, 30% had a smartphone, and 50% had a regular phone. In 2017, 80% of adults will have a mobile phone, 30% will have a smartphone and 50% will have a regular phone⁴¹. There are six daily newspapers (Daily Nation (largest circulation), Standard, Star, People Daily, Business Daily, and Taifa Leo (Swahili)) and three weekly newspapers (The Nairobiian, EastAfrican⁴², and Weekly Citizen).

As of 2015, 98% of the population had access to the radio (97% to cell phones), 81% to television, and 51% to the Internet⁴³.

The cost of running a website is approximately KES 20 thousand to 200 thousand (around US\$ 185 to 1,850).

According to the Bloggers Association of Kenya, the number of bloggers is 19,000.

The following chart shows the statistics of social media used by Internet users as of 2020.



Source: Kenya Media Assessment Study 2021

Figure 2.6 Percentage of internet users using social media in 2020

2.7.2 Education system

(1) Primary and secondary education

In primary education, Grade 4 teaches civic participation, citizenship and government, and civic rights; Grade 5 teaches democracy, human rights, and the duties of Kenyan citizens; Grade 6 teaches government institutions, and Grades 7 and 8 teach conflict resolution and traditional government. At the secondary level, integration, civic rights and duties, constitutional law, and elections are also taught.

⁴⁰ <https://www.geopoll.com/blog/mobile-penetration-kenya/>

⁴¹ Pew Research in 2017

⁴² It is subscribed to in Kenya, Uganda, Tanzania, Rwanda, and South Sudan.

⁴³ BBC Media Action's nationally representative survey

In addition, the new Competence-based Curriculum (CBC) being promoted by the Kenyan government is also incorporating justice, human rights, and democracy. However, although this curriculum was announced as a policy in 2019, there are many challenges in terms of financial resources and teacher capacity, and there were comments that implementation in the field is not going smoothly⁴⁴.

(2) Higher education

Of the legal education, the university's Law Degree (LLB) lasts for four years, while the Post graduate Diploma programme is undertaken at the Kenya School of Law for one and a half years (the only practitioner training institution).

(3) Adult education

The new education curriculum mentioned above will include adult education, with the World Bank in charge of Grades 4 to 7. According to UNESCO, the adult literacy rate in Kenya is 78.73% (2015).

2.7.3 Public relation tools

(1) Home Page

The websites of the relevant government agencies are listed below.

Table 2-6 Website information of relevant government agencies

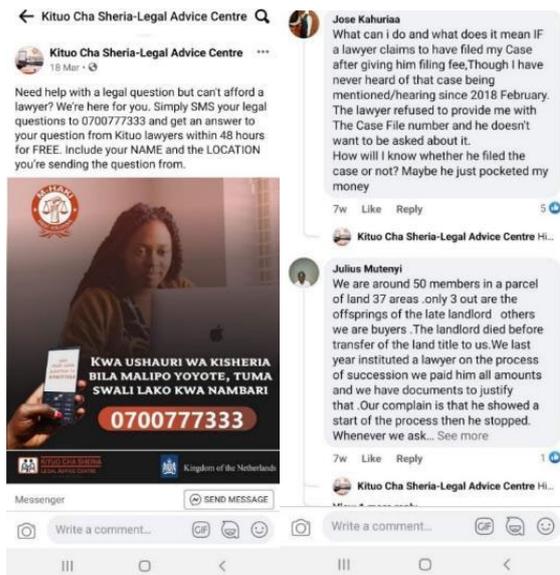
Authorities	Website	Mobile (SMS)	App	Social media (Facebook, Twitter, etc.)
The State Law Office & Department of Justice	https://statelaw.go.ke	020-2251355 0732 529995 020-2227461-9 0700 072929	N/A	https://twitter.com/AGOfficeKenya https://www.facebook.com/OfficeOfTheAttorneyGeneralKenya/ https://twitter.com/AGOfficeKenyahttps://statelaw.go.ke/social-media/ttps://statelaw.go.ke/social-media/
Ministry of Labor,	https://labour.go.ke/ http://www.socialprotection.go.ke/	+254 2729801 +254 020 2726497	The Kenya Labour Market Information System (KLMIS)	Facebook-Ministry of Labour and Social Protection Twitter-@LabourSPKE
Ministry of Public Service & Gender	http://www.psyg.go.ke/	020 2227411	N/A	Twitter-@PSYGKenya https://web.facebook.com

Source: Compiled from the websites of various ministries and agencies

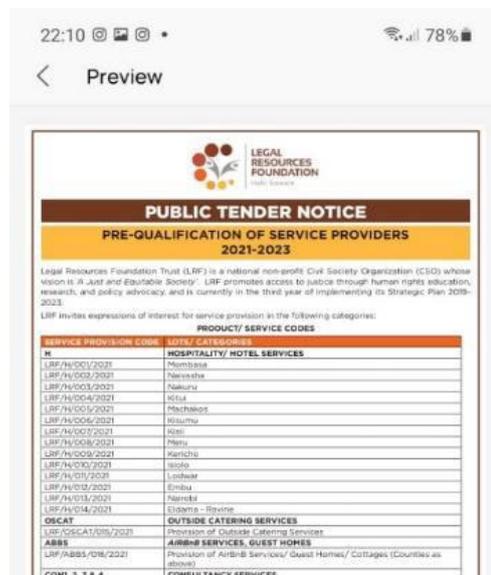
(2) Social media

Kituo Cha Sheria has been using social media such as Facebook to spread information about legal advice. The organization also holds family case mediations every other Thursday in the meeting room and uses social media to provide information about these and other news. The Legal Resources Foundation also uses its website to recruit people to work in legal aid, as shown below.

⁴⁴ Interview with JICA Kenya Office 2021/6/3



Information dissemination about legal advice by Facebook
Kituo Cha Sheria



Recruit through Homepage
Legal Resources Foundation

(3) Traditional Media

The Mediation Training Institute had planned a TV program as a public awareness program but failed to get funding. The script is still there.

2.8 Introduction of ICT in the judicial system

2.8.1 Polices of ICT introduction in the legal system

The 2010 Constitution provides for the promotion of "indigenous languages, Kenyan Sign language, Braille and other communication formats and technologies. The National Information, Communications and Technology (ICT) Policy, November 2019, and The Vision 2030 also provide for the use of ICT to improve judicial services. The Electronic Case Management Practice Directions 2020 prescribes guidelines for e-filing and e-case management.

The history of the project is that the Judicial Information Technology Committee (JITC) initiated the transformation of the judiciary to IT in 2008, followed by a pilot project at the Nairobi Court of Appeal in 2009, and The Judiciary Transformation Framework (2012-2016) was established with four pillars (delivering citizen-centered justice, expanding internal human resource capacity, expanding infrastructure, and strengthening IT).

Currently, the Supreme Court is promoting the IT of the judiciary in five areas. These are 1) IT of judicial admissions, 2) e-court room management (recording and transcription of court proceedings), 3) implementation of e-payment, 4) IT of document management systems, and 5) introduction of IT devices as infrastructure.

Funding is provided by the national treasury as well as IDLO and the World Bank. World Bank only for capital investment (29 court buildings).

In the past few years, the e-filing portal has been launched and operational in 2020⁴⁵. In 2020, Virtual courts are being implemented in Skype, Zoom, Microsoft Teams, etc. in response to Covid-19⁴⁶. In the same year, UNDOC will provide ICT equipment (as part of PLEAD program)⁴⁷, and in January 2021, the data center project will be launched.

The State of the Judiciary and Administration of Justice Report (SOJAR) 2019-2020 provides the following information. The executed amount for 2019-2020 is about KES 200 million (US\$ 1.86 million).

Table 2-7 Budget estimates and execution results for ICT

Fiscal year	Budget Estimation (KES)	Execution results (KES)
2016-2017	833 million	142 million
2017-2018	630 million	28 million
2018-2019	497 million	-
2019-2020	1,200 million	200 million

Source: SOJAR 2019-2020 Report

2.8.2 Current status of ICT adoption

(1) Use in judicial institutions

As of March 2021, 47,626 cases were registered remotely through the e-filing platform, with 4,047 law firms and 4,308 individuals participating in the platform. 1,422,540 documents (10,930 certificates of urgency and 1,486 orders) were filed online. 1,422,540 documents (10,930 certificates of urgency and 1,486 orders) were filed online. In addition, 2,500 ICT devices have been installed in judicial institutions⁴⁸.

According to the Supreme Court, at present, the promotion of online court (virtual court) has resulted in a 7% increase in the number of users. However, the current issues include: 1) lack of capacity, 2) lack of support system on the admin side (for e-payment), 3) lack of technical assistance, 4) need for cooperation with other related institutions in the judiciary (police, prosecutors, prisons, etc.), 5) frequent scanning problems (trials involve a lot of materials), and 6) lack of information for the general public (they recognize that this issue is particularly important), 7) Need for training for court staff and judges, 8) Need for cooperation with related personnel (LSK, prosecutors, etc.), 9) Need for case registration management, and 10) Lack and need for internal policy review. In addition, there is a serious shortage of financial resources. Only 0.7% of the national budget is given to the project.

In the future, the company plans to offer videos and webinars for the general public, as well as to establish e-filing centers in each region, and allocate appropriate personnel through IT.

⁴⁵ [Nairobi top courts go digital as Maraga launches e-filing portal | Nation](#)

⁴⁶ [Kenya is struggling to deliver justice online: what needs to be done \(theconversation.com\)](#)

⁴⁷ [Speech - PLEAD laptops handover ceremony \(unodc.org\)](#)

⁴⁸ Information gotten from the Interview with the Office of the Chief Registrar of the Judiciary of Kenya on 20th May, 2021.

(2) Use in prisons⁴⁹

There are four computers in the men's prison in Nakuru (1,550 inmates, 231 pre-charge suspects, and death row inmates), and an e-court was introduced in April 2020, right after the Covid-19 epidemic. Currently, more than 1,000 inmates are using it. There is one computer in a women's prison (capacity is 173 inmates and 12 children).

The e-court has partnered with 10 courts in Nakuru and 5 courts in Molo. The work of the prison guards has been made more efficient by eliminating the need for the transfer of detainees.



The computer room in the women's prison

There are five issues. 1) lack of camera performance, 2) unstable internet connection, 3) witnesses not appearing during e-hearing, 4) lack of linkage with e-payment, and 5) only 3 out of 80-90 (randomly picked) defendants have lawyers.

As for prospects, they expressed interest in incorporating services like the Rwandan IBJ/RBJ application in Nakuru, getting infrastructure support, and exchanging ideas with Japan. If the current Nakuru prison example is considered a good practice, they are happy to introduce their case. In the longer term, the supports are needed to 1) promote ICT by involving stakeholders such as lawyers, police, and paralegals, 2) increase the number of stations that can be connected to the e-court to about 5 to 10, 3) provide the officers training on technology and e-filing, 4) prepare a guideline for e-court, and 5) Online psycho-social support for detainees.

(3) Acceptance of ICT use in the private sector

According to the Thika Bar Association, to improve access to justice, not only 1) ICT but also 2) traditional reforms such as increasing the capacity of the government (e.g., increasing the number of Magistrates) are needed, and a combination of both will be effective.

- 1) Infrastructure is necessary for ICT utilization, and some areas such as e-courts are still not functioning. In addition, even with the use of ICT, vulnerable groups such as children and the elderly are left behind. To reach them, physical courts should be improved by accelerating the process and arranging the piles of court documents with ICT methods, such as call centers, should be used. As a call center, the Administrative Procedures and Registration Center (Huduma) can be used. (Some courts have been successful in fast-tracking cases, e.g., the Kandara court (closing cases in 7 months).
- 2) The administration is difficult to change because of political issues, but courts for small businesses have been established (KES 0.2 to 1 million (US\$ 1,800~9,300)). It is also important to communicate information within relevant organizations and educate the general public about the system.

⁴⁹ Hearing in Nakuru Prison (6/8/2021)

(4) Summary of ICT

The table below summarizes the e-filing, e-management, and e-court services operated by the ICT Bureau of the judiciary.

Table 2-8 Overview of ICT adoption

ICT	Year of introduction	System type	Scope of application	Current usage
E-Filing	2020	online portal	Court complaints and documents previously received physically in court	All courts in Nairobi District (except for some tribunals)
			Enhancing electronic payments in judicial financial management information systems	All courts
E-Court	The Chief Justice (The Chief Justice) will pilot an online court, with 15 judges and 5 security judges, starting in 2018.	Video Conferencing (MS Teams)	online courtroom	Utilized by all judges and security judges
			Internet connection	All courts
E-Management	Provisions in the Gazette dated March 20, 2020.	Video Conferencing (MS Teams)	Follow up on cases with judges, clerks, registrars, and assistants	Currently being implemented in all courts for internal use within the courts; utilized in 126 courtrooms.
			Court records and transcriptions	Deployed to 32 of the 600 courtrooms.
	Start in September 2020 (AJIRA Pilot Digitization Programme)		Document and Archive Management	Ongoing in 3 districts (Nairobi, Kisumu, Mombasa)

Source: Prepared by Local Consultants

2.9 Donor funded activities

The major donors working in the area of access to justice are the EU, UNODC, and USAID, with UNDP as the main donor.

(1) UNDP

The following project is under implementation. This project will strengthen the legal capacity of vulnerable groups and provide legal aid in 12 regions, mainly in the North.

- Project Name: PLEAD (Programme for Legal Empowerment and Aid Delivery) ⁵⁰
- Donors: EU, UNODC
- Target institutions: NLAS, Ministry of Justice, university institutions, courts, NGOs
- Period: 2018 - 2023 (5 years)
- Budget: 34.15 million euros
- Target Area: Nairobi, Mombasa, Nakuru, Kisumu, Uasin Gishu, Mandera, Wajir, Garissa, Tana River, Lamu, Isiolo, Marsabit

⁵⁰ [The Programme for Legal Aid and Delivery in Kenya \(PLEAD\) | UNDP in Kenya](#)

- Activities:
 - Amkeni Wakenya (Kenyans let us arise in Swahili) addresses project outcome 1. Strengthened access to justice for vulnerable groups, with a focus on the provision of legal aid. Training of legal aid agencies and provision of legal education through universities and educational institutions (Egerton University Law School Legal Aid Project FOLLAP) and CSOs (CEDGG, etc.).
 - Note that FOLLAP and CEDGG are being conducted in the Nakuru region with a budget of US\$100 thousand per year for the period 2019-2022, respectively.
 - UNODC will address Outcome 2 (court operations and case management), Outcome 3 (strengthening criminal justice), and Outcome 4 (justice sector coordination).
 - Phase 2 is expected to start in 2023.

(2) USAID

The following projects were implemented until 2014. The main objective of the project is to strengthen women's land rights and strengthen the functioning of customary law systems. The project targets the Mau forest area in southern Kenya (in the vicinity of the Mara River and reservoir).

- Project name: Mau Forest Project (The Kenya Justice Project)
- Donor: USAID
- Target institutions: Local leaders in Mau forest area
- Period: 2010-2014
- Budget: US\$490 thousand
- Activities:
 - Teach and train local leaders/schools on the constitution and land policy. Conduct capacity building on women's rights. Conduct capacity building for stakeholders to strengthen the functioning of customary law systems and link formal and informal justice.
 - Local rules have been enacted, the number of women elders has increased, chiefs and elders can no longer make land deals without the consent of their spouses, cases of sexual violence can now be brought to formal justice, and women have been trained on how to proceed with ADR on environmental management. The results have been positive.

(3) Other

- KNHCR (Kenya National Commission for Human Rights): Conducted awareness-raising activities on legal rights of vulnerable groups among Luo community elders in the Meru region, the western part of the country in 2010 (in partnership with Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN) and the Health Policy Initiative (HPI)).
- The Fund for Global Human Rights: was strengthening human rights awareness in local government law enforcement through the establishment of a network of human rights institutions.
- World Bank: 28 court branches established by the end of FY20 through the Judiciary Performance Improvement Project (JPIP).

2.10 Challenges of access to justice in the country

- **Lack of budget for legal aid and ICT in the judiciary**
Inadequate budget for IT, especially in the courts. It has an impact on both infrastructure and capacity building.
- **Lack of human resources for formal justice**
The number of judges is still low, which is a factor in the backlog.
- **Lack of legal knowledge and understanding**
The general public's knowledge of court procedures, legal concepts, and legal issues is insufficient, especially in rural areas.
- **Disparity between regions**
There is a disparity between urban and rural areas. Lawyers are also mostly located in urban areas, such as Nairobi and its suburbs, making it easy for judicial depopulation to occur.
- **Human rights issues in criminal justice and lack of legal representation**
There are few lawyers who represent criminal cases.
- **Inadequate legal education and awareness-raising activities for the general public**
This has led to a lack of knowledge among the general public. There is also a lack of cooperation between educational and legal institutions, and problems with the curriculum.
- **Inadequate human resource development in AJS**
It has been 10 years since the AJS was enshrined in the Constitution, and one of the UNDP-supported FOLLAP activities is a project on capacity building for regional chiefs, which was also a response to the lack of human resource development in the AJS.
- **Fundamental Human Rights Issues**
In some regions, basic human rights problems continue to occur because people tend to rely on AJS. For example, in the Southern Kajiado region, Maasai women are still not allowed to own property, and in some cases, ethnic customs hinder cooperation and collaboration with public institutions.

2.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegal, AJS

In Kenya, legal aid organizations such as NGOs and educational institutions provide legal information to citizens at the community level, but there is no established monitoring and evaluation system for these legal education providers. The Committee on Legal Education (CLE) has requested that we create an online monitoring and evaluation mechanism for legal education providers. In addition, under the lead of the CLE, cooperation in the form of centralizing the legal information provided individually by each institution working on legal education and compiling the information at the national level could be considered. In such a case, an online platform could

be used to allow centralized access to information and to search for contact information of each legal education provider.

In addition, training for legal aid agencies and paralegals is separate for each legal aid agency and is not standardized nationwide, nor is it available online. Therefore, one idea is to work with the Commission on Legal Education (CLE) to create a standard for legal education that covers the entire country while using ICT.

There are high expectations from the NLAS of the Ministry of Justice for the development of training programs and materials for paralegals and informal justice bearers. By target, they would like to start training for Court Users' Committee, for AJS such as chiefs, and for those with basic knowledge of law such as lawyers, paralegals, and administrative officers as soon as possible. In addition, as issue-specific materials, they would like to provide field-specific training on GBV, child support and nursing, criminal procedures, land disputes, etc. to legal aid and mediation agencies as refresher training, and requested this as a short to medium-term cooperation plan.

(2) ICT

Kenya has Huduma Desk (52 administrative service desks nationwide covering 47 provinces), and e-government services are widespread. It is conceivable to strengthen the capacity of this administrative service and make it an entry point for legal information provision and e-filing support.

In Kenya, the courts are moving online, but the case management system is not as advanced as in Rwanda. Since there is a predisposition for ICT in the judiciary, and since some prisons work with paralegals to provide legal information and make referrals to the relevant authorities, it is one idea to consider the IECMS information sharing and JusticeHub application deployment, referring to the Rwandan case.

(3) Mobile Legal Clinic

Containerized mobile legal clinics have been introduced with the support of UNDP, and as a measure against judicial depopulation, provision of trucks is also beneficial in order to expand legal aid, legal counseling, and activities in remote areas. Especially in Kenya, pastoral nomads in the northeastern part of the country are migrating. So a system that can follow nomads to provide judicial assistance and education is very important. UNDP is also willing to cooperate in regional expansion.

(4) OSC

There is a need for a cross-sectoral response to GBV, including legal, health, education, and socio-psychological support, in all aspects of prevention, victim protection, and reintegration support. In Kenya, especially in the rural areas, there are problems such as lack of knowledge about GBV, difficulty in raising voices, and lack of information on where to go for advice in case of victimization. Therefore, a model such as setting up a judicial desk at a core hospital in a rural area could be considered.

Chapter 3. Survey Findings from Tanzania

3.1 Summary

(1) Surveyed area

Tanzania's regional administrative divisions are made up of 31 regions. Of these, 26 are in the mainland (Tanganyika) and 5 are in the Zanzibar Autonomous Region. Under the provinces, there are 169 Districts. This survey was conducted in two urban areas (Dar es Salam and Dodoma) and four rural areas (Arusha, Tanga, Morogoro, and the rural part of Dodoma).

(2) Survey Summary

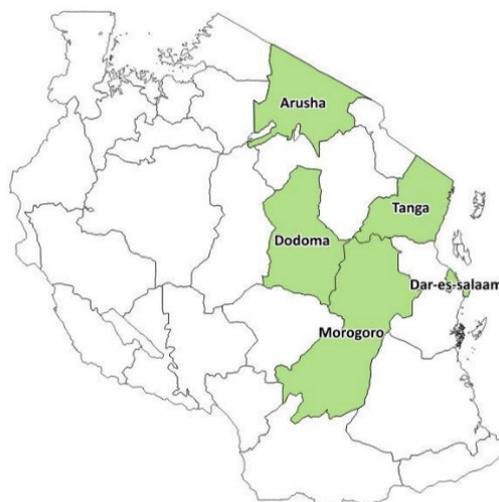
Formal Justice: The legal system in Zanzibar is based on Common Law, following the example of the United Kingdom, which took over the colonial power from Germany in the early 20th century, and the legal system in Zanzibar is the replica of mainland Tanzania. In the mainland, the court system includes the Court of Appeal, High Court, Resident Magistrate, and District Court, and Primary Court. Primary courts are located in every district.

Similar to the situation in Kenya, formal justice is used to a certain extent in urban areas, but "formal justice is time-consuming and expensive" is an issue common to both urban and rural areas. The problem of judicial depopulation is that there are only 13 high courts in 26 states when speaking about mainland Tanzania, and only one or two primary courts in each province. Each district is about half the size of Rwanda, which hinders access to justice, especially in rural areas.

Informal Justice: Mediation, Reconciliation, and Arbitration procedures are used as ADR in a complementary manner to formal justice in general, but similar to the situation in Kenya, there are areas where formal justice intervention is necessary due to insufficient functioning of the AJS, such as GBV and children's rights. However, as in Kenya, there are areas such as GBV and children's rights where the AJS does not function well and formal justice intervention is necessary. In rural areas, chiefs, village elders, religious leaders (churches, mosques, etc.), and local governments are responsible for conflict resolution. There is a system established by law, the Ward Tribunal, which deals with land disputes, but it is dysfunctional because there is no competent ministry and no budget.

Ensuring the quality of informal justice providers is also an issue in Tanzania, but in Tanzania, paralegals are also playing an important role as informal justice providers.

Legal aid services: National focus on paralegal system and human resource development to achieve access to justice at the grassroots level. Active paralegals are more than 4,000 (those who have received simple training and are not currently certified, but on the way to the institutionalization). The Ministry of Constitutional Affairs,



Source: JICA Survey Team

Figure 3.1 Survey areas in Tanzania

Ministry of Justice, law schools, UNDP, and other organizations had planned to work together to create a paralegal qualification (and curriculum) starting in September 2021, but this has been delayed due to discussions on the content of the curriculum development and determination of the duration.

Use of ICT: The introduction of ICT has started with strong initiatives by the judiciary, led by the courts, and is being promoted by both the Ministry of Constitutional and Legal Affairs (MOCLA) and the Attorney General's Office. Applications are being developed. The Service Bureau of the courts is in charge of taking care of the people left behind. However, there are difficulties in infrastructure, communication, and human resources, and more support is needed.

Network on access to justice: The chair of the East Africa Legal Aid Providers Network Conference has been taken over from Kenya.

Issues in criminal justice: In addition to the common issues of human rights and lack of legal representation in the criminal justice system in each country, restrictions on the right to bail are an issue in mainland Tanzania. In Zanzibar, there are no restrictions on the right to bail.

Challenges in access to justice: Insufficient budget for legal aid and ICT for justice, lack of human resources for formal justice, lack of knowledge and understanding of the law, and regional disparities are some of the challenges common to other countries.

As a theme specific to Tanzania, paralegals are currently actively involved in the development of human resources for ADR and legal aid, but the institutionalization of a paralegal is currently an issue for the future. In addition, legal education and awareness-raising activities for paralegals and the general public are also future issues.

Issues similar to those in Kenya include the institutional persistence of basic human rights problems in some areas due to AJS bias (Maasai women are still not allowed to own property, and in some cases, ethnic customs inhibit cooperation and collaboration with the public institutions).

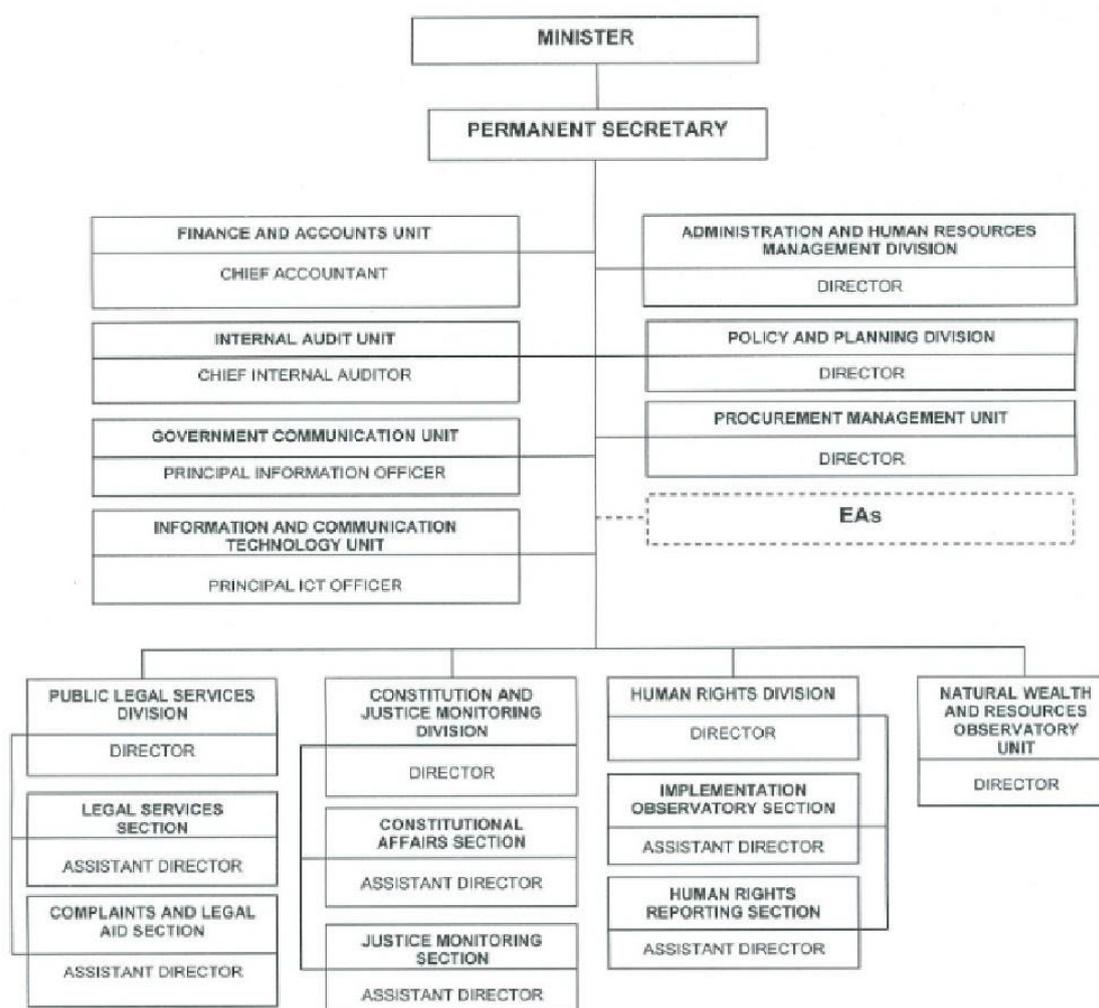
3.2 Governance and judicial sector

3.2.1 Judicial system

The Tanzanian judicial system consists of a dual structure of case law and equity based on the Common Law system, which is based on the British legal system, and Customary Law. Dispute resolution through customary law (Alternative Dispute Resolution) also has a significant influence on Tanzanian society. Tanzania's mainland and Zanzibar had different histories until they were united in 1964, and even today they have their autonomous government (the Zanzibar Revolutionary Government) and parliament. The laws of the mainland are often applied *mutatis mutandis*, but the bar association and the law school to be established in the future are separate from the mainland.

3.2.2 Organizational structure

The Ministry of Constitutional and Legal Affairs (MOCLA) is responsible for judicial affairs. The organizational chart of the Ministry is as follows.



Source: Constitution and Ministry of Justice website

Figure 3.2 Organizational chart of the Ministry of Constitutional Affairs and Justice

The Office of the Attorney General (AG Office) is also a relevant authority.

The AG Office is divided into the Office of the Solicitor General and the Office of the Director of Public Prosecutions (DPP). The AG Office is divided into the Office of the Solicitor General and the Office of the Director of Public Prosecutions (DPP) (organizational chart is currently being prepared on the AG Office website⁵¹).

The Office of the Solicitor General is responsible for legal advising the Judiciary and all other government issues, and since the enactment of the Legal Aid Act of 2017, it has been accepting complaints from individuals about violations of the law. Currently, in addition to the headquarters in Dodoma, there are branches in Mwanza, Arusha, Tabora, and Dar es Salam, with two officers assigned to each branch⁵².

The DPP is responsible for prosecution and prosecution operations, including investigation, prosecution, and trial proceedings. The Regional Office does not yet cover the entire province (only 16 out of 142 districts). In places where there are no regional offices, the investigating agency also makes decisions on prosecution, which means

⁵¹ [THE OFFICE OF ATTORNEY GENERAL \(agctz.go.tz\)](http://agctz.go.tz)

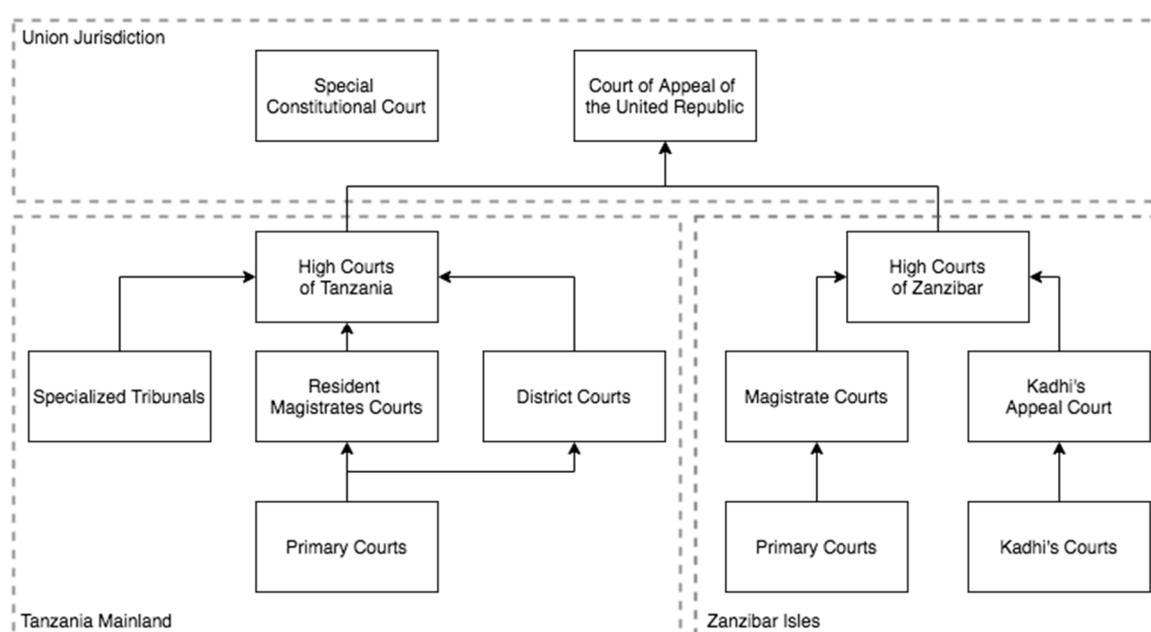
⁵² 2021/6/28 Hearing from Mr. Vedustus, Solicitor General

that investigation and prosecution are carried out by the same agency, and this poses a challenge to the functioning of checks and balances⁵³.

3.3 System of formal and informal justice

3.3.1 Court system

The formal justice system is based on Articles 107A and 107B of the 1977 Constitution and the Judiciary Administration Act No. 4 of 2011 and consists of four levels. From the top of the hierarchy, there are 1. Court of Appeal, 2. High Court, 3. Resident Magistrate and District Court, and 4. Primary Court. The organizational chart of the judiciary is as follows.



Source: Schematic of the structure of the court system of Tanzania

Figure 3.3 Organizational Chart of Judicial Institutions

Primary courts are located in every district and serve as the first instance court for small civil, family, and criminal disputes (although they also serve as the second instance court for cases originally heard by the Ward Tribunal, the community tribunal). 960 primary courts exist.

There are 30 Resident Magistrate and District Courts in the former and 117 in the latter. They serve as the first instance for civil and criminal cases, and as the second instance for primary court cases.

⁵³ 2021/6/26 Hearing from Mr. Tumaini Kweka (Principal State Attorney in the DPP office) and Mr. Paul Kadushi, DPP

The High Court has 16 regional courts and four special sector courts: Commercial, Land, Labor, Corruption, and Economic Crime. It acts as a second instance court in Resident Magistrate cases, District Court cases, and District Land and Housing Tribunal cases.

The Court of Appeal mainly hears appeals from the High Court; it also hears appeals from the High Court of Zanzibar, in addition to constitutional cases.



High Court

3.3.2 Alternative dispute resolution systems

(1) Community Arbitration Office (Ward Tribunal)⁵⁴

The Ward Tribunal is an institution established under a law (Ward Tribunal Act, 1985), but is not currently under any ministry.

There are two main categories of disputes: (1) land disputes and (2) family disputes (marriage and divorce). 4-8 members (judges), two of whom must be women, make up the panel. The members are responsible for amicable dispute resolution such as mediation and reconciliation. In the case of land disputes, the law has been amended⁵⁵ to stipulate that in Ward Tribunal, ADR (mediation, settlement, etc.) shall be conducted only, and the hearing or adjudication not to be conducted.

- Land Disputes: Deals with disputes of an amount not exceeding TZS 3 million (around US\$ 1,300). Appeal against the decision of the Ward Tribunal should be made to the District Land and Housing Tribunal within 45 days.
- Family disputes: Involve family members to mediate for integration. However, family disputes are few due to the lack of training of Ward Tribunal members and other channels. There was a case where a Maasai woman asked a man for a divorce. She did not ask for a share of the property, but the case was difficult; she took it to the Primary Court, but it was sent back to the Ward Tribunal.
- Ward Tribunal issues: It has no budget (established by law in 1985, so it is a public institution, but no one has jurisdiction over it), and no building of its own, so it uses city hall. Its members are volunteers, and Ward Tribunal rulings are not enforceable. The law was amended at the end of 2021 to limit its functions regarding land disputes.
- However, the structure is simple and decisions can be made quickly. There are also good aspects such as not costing money and resulting in amicable dispute resolution.

⁵⁴ 2021/6/24 Hearing from Dakawa (in Mvomero) Ward Tribunal

⁵⁵ 2021/10/11 The Written Laws (miscellaneous amendments)no. 3, Act, 2021

(2) Informal justice

Informal dispute resolution systems include 1) Local Authority, 2) Traditional Authority, and 3) Religious Leaders.

- 1) Local authorities can be categorized as Village Council, Mtaa Council, etc., and Ward Tribunal as mentioned above.
- 2) Traditional Authority is a tribal leader or village council; the Sukuma, Maasai, Kurya, etc. have their own Authority.
- 3) Religious Leaders are mainly the heads of Muslim mosques and leaders of Christian churches.



Dispute resolution by Massai leaders

Dispute resolution methods include mediation, settlement, arbitration, and negotiation.

In Tanzania, customary law is not squarely statutory with the Alternative Justice System (a difference from Kenya). However, there has been a move towards civil cases going through the procedure outside the formal court before being filed. Capacity building of mediators is urgently needed (e.g. training at the National Mediation Training Institute).

The business sector uses arbitration. An Arbitration Center has been set up in the building of the Tanganyika Law Society.

(3) Use of paralegals

It is worth noting that in Tanzania, paralegals play a major role in conflict detection and resolution at the grassroots level in the community.

Although there was no certification for paralegals until now, the establishment of the Certified Paralegal certification will begin in September 2021 (according to MOCLA, the certification was scheduled to begin in September 2021, but they are taking time to finalize the content of the certification).

As a result, community-level dispute resolution, which used to involve only paralegals in the community, will now involve civil servants in the judicial sector, such as police officers and prison guards, as long as they have received paralegal training or have the legal knowledge to be certified as paralegals.



Paralegal center in Morogoro

Paralegals in the civil service are currently referred to as "State Paralegals" in the Tanzanian legal community, and the National Examination Council will also be involved in the certification⁵⁶. According to MOCLA, it is necessary to strengthen the capacity and increase the number as well as the quality of paralegals (there was training in Dar es Salaam, but not in rural areas, so the number is small).

⁵⁶ Hearing at MOCLA, Law School, and UNDP.

(5) Paralegals

Paralegals are the legal aid providers approved under the Legal Aid Act, 2017, and play one of the roles of informal justice by providing legal assistance in the community, including mediation, legal advice, legal information, and assistance in document preparation. They also assist in judicial proceedings in the courts, thus bridging the gap between the formal system and informal justice. In addition, it is also responsible for legal awareness and judicial education in the community.

Institutionalization and legal basis: Part 4 of the Legal Aid Act of 2017 includes a chapter on paralegals, which defines their qualifications (Section 19) and the content of legal aid services (Section 20). It also states in the introduction that "this is legislation to Recognize Paralegals". In Zanzibar, paralegals were recognized in the Legal Aid Act of 2018.

A paralegal is defined as "a person who has received training in a field recognized under this Act and is qualified to provide legal aid services" (Section 3). In principle, anyone with a degree or secondary education can call themselves a paralegal after receiving training (Section 19.1.2). Their role is to educate the community about the judiciary, assist in the preparation of legal documents, make inquiries, and provide advice (Section 20, paragraph 2). It is also clearly stated that no remuneration can be received from those who provide support (Section 20, paragraph 6).

In addition, one of the requirements for certification as a legal aid agency is the presence of a lawyer, or a lawyer and paralegal, or (even if there is no lawyer) three or more paralegals, and it is stated that a paralegal alone can be certified as a legal aid agency (Section 10, paragraph 1 (d)).

The Ministry of Constitutional and Legal Affairs (MOCLA) is in charge of paralegals. The Legal Aid Unit of the Ministry is considering the institutionalization of paralegals.

Estimated number of paralegals: The number of paralegals trained and certified by the LSF (paralegal basket fund), described below, will be just over 4,000 by the end of 2020 (3,642 community paralegals and a total of 272 national paralegals have been trained in mainland Tanzania. In Zanzibar, 281 paralegals have been trained).

Qualification and training: In the past, community paralegals were mainly trained by the LSF, but the development of the Certified Paralegal qualification has just started (it was scheduled to start in September 2021, but the content, duration, and whether to create paralegal grades are still under consideration). . An official certification curriculum will be developed under MOCLA and the Tanzania Law School. The National Examination Council will be in charge of accreditation.

Requests: According to MOCLA, there are expectations for support in making the curriculum and training more user-friendly through ICT. MOCLA also hopes to collaborate with local governments in the implementation of training.

Challenges: LSF, a paralegal basket fund, is an NGO, and there are challenges in that only LSF is involved in the development of community paralegals. In particular, it is limited because it has no government funding and relies on donor funding. In order to expand the coverage of paralegal training and increase the number of paralegals, it

would be good if there were other institutions besides LSF that could provide training. It would also be good if ICT could be used for training of paralegals in rural areas.

3.4 Basic information on legal practitioners

3.4.1 Number of legal practitioners

The legal practitioners are integrated by the Tanganika Law Society on the mainland side and the Zanzibar Law Society on the Zanzibar side. 10,113 lawyers were members of the Tanganika Law Society as of the visit in June 2021.

One challenge is that lawyers are unevenly distributed in urban areas (mainly Dar es Salaam).

There is also the Tanzania Women Lawyers Association (TaWLA), which has 370 female legal members.

3.4.2 Qualifications

Tanzania Law School was established in 2007. With the establishment of the Tanzanian Law School in 2007, the method of obtaining legal qualifications has changed. The Tanzanian Law School was the only law school (legal training institution) in Tanzania, but the Zanzibar Law School has recently been established.

Lawyers who have earned a law degree from a university attend the school to obtain an advocate certificate. There are 600 students per year. There are two courses: one graduates in December and the other in June.

3.4.3 Training

Lawyers who have received their law degrees from these law schools attend these schools to become Advocates. 6 months of lectures and 6 months of field training are required during the year, and after graduation, the students are admitted as Advocates. 600 students per school year, and there are two graduation courses: one in December and the other in June.

3.4.4 Lawyers involved in the dispute resolution

(1) Involvement of lawyers in dispute resolution

Lawyers are involved in dispute resolution at various levels, both inside and outside the courts. In addition to providing legal advice to clients, they represent litigants in court, assist in mediation and settlement outside of court, and in the case of arbitrators, are involved in the arbitration. The duties of a lawyer are set out in the Advocates (Professional Conducts and Etiquette) Regulations of 2018. The scope of legal representation is the High Court, District Court, Resident Magistrates' courts, District Land and Housing Court. In the past, primary courts were not included⁵⁷, but due to amendments to the law, primary courts can be represented by lawyers from the end of 2021⁵⁸. A Special Permit is required to practice in the courts of Zanzibar.

⁵⁷ Section 33(1) of the Magistrates' Courts Act, Chapter 11 of the Revised Edition of 2019

⁵⁸ 2021/10/11 The Written Laws (miscellaneous amendments)no. 3, Act, 2021 - Part IX, Amendment of Magistrates' Courts Act (CAP11) on September 28th

(2) Remuneration structure

Lawyers receive remuneration based on the type of case they are in charge of. The standard of remuneration follows the Advocates Remuneration Order of 2015.

In cases involving property rights, if you are representing the seller, the fee is 3% of the price of the object, and if you are representing the buyer, it depends on how much the object costs (e.g. 15% for up to TZS 20 million (US\$ 8,500), 3% for over TZS 400 million (US\$ 170 thousand), etc.). In the case of leasing, the rate varies depending on the value of the object (e.g. 30% for up to TZS 2 million (US\$ 859)). The fees for registration of intellectual property rights such as trademarks and patents are also fixed.

Remuneration in criminal cases is subject to the criteria varying with the nature of the case as set out in the Legal Aid Criminal Proceedings) Rules of 2014 and the Legal Aid Regulations of 2018.

(3) Pro bono⁵⁹

The Tanganika Law Society has a pro bono clinic for criminal cases. Credit is usually given in the form of 2 points per pro bono case. Sanctions may include suspension from the practice of law (3 to 6 months).

In addition to the lack of legal representation, the following factors have hindered the pro bono activities of lawyers.

- In civil cases, the Legal Aid Act does not allow for free legal representation.
- Criminal cases were originally only eligible for legal aid for 4-5 categories of crimes (e.g., crimes punishable by death); the Criminal Proceeding Act and Legal Aid Act of 2017 increased the scope of criminal cases, but it is still insufficient.

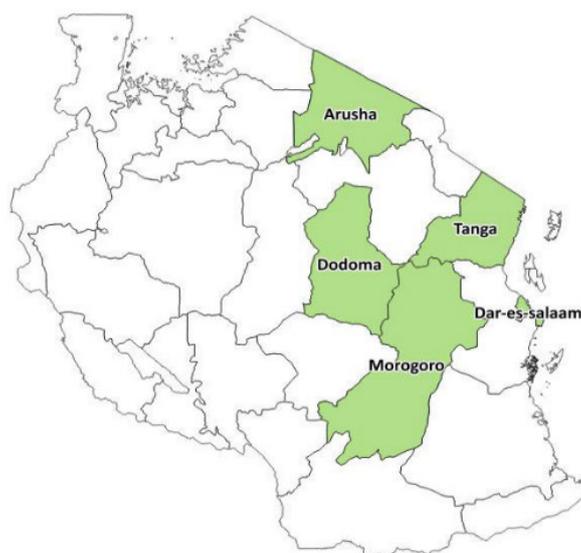
3.5 Social needs analysis for access to justice

3.5.1 Common disputes and means of resolutions

Tanzania's regional administrative divisions are made up of 31 regions. Of these, 26 are in the mainland (Tanganyika) and 5 are in the Zanzibar Autonomous Region. Under the provinces, there are 169 Districts. This survey was conducted in two urban areas (Dar es Salam and Dodoma) and four rural areas (Arusha, Tanga, Morogoro, and the rural part of Dodoma).

Although the field survey of the Zanzibar Autonomous Region has not been able to be conducted due to the Covid-19. The laws of the mainland are often applied *mutatis mutandis*, but there are also initiatives that are independent of the mainland, such as bar associations and law schools to be established in the future.

⁵⁹ Hearing from TLS



Source: JICA Survey Team

Figure 3.4 Survey areas in Tanzania

Table 3-1 Overview of survey areas in Tanzania

Area	Name	Overview
Urban	Dar es Salam	Tanzania's largest city and commercial center. It has a population of over 6 million (the largest in East Africa and the fifth largest in Africa).
	Dodoma	The region has been the capital since 1996.
Rural	Arusha	The population of about 1.7 million. Borders with Kaziad Narok in Kenya. A tourist city with a national park.
	Tanga	The population of just over 2 million. A coastal city of other ethnic groups bordering Kenya.
	Morogoro	The population of about 2.31 million. A region of other ethnic groups such as the Lugul, Pogoro, and Kagul languages.

Source: Local Consultant Survey

(1) Common Dispute

Typical disputes common to both urban and rural areas are land disputes, inheritance disputes, and family disputes. In urban areas, land conflicts are caused by a lack of land survey and double allocation, while in rural areas, land conflicts are caused by residents' lack of knowledge about land rights and how to use them (including the procedures of the Tanzania Village Land Act) and corruption of local leaders.

Dispute resolution is often carried out through the following channels. As mentioned earlier, paralegals in Tanzania are heavily involved in dispute ticketing and dispute resolution at the grassroots level in the community, so they also play the role of village heads and mediators.

- Land issues: Village Chief → Ward Tribunal → Court (Primary Court, etc.)
- Family issues: Village Chief → Religious leader → Court (Primary Court, etc.)
- GBV: Village Chief/Paralegal → Police

However, ethnic groups with strong tribal rules and customary laws governing them (such as the Maasai and Sukma) do not take the above route but handle the matter through intra-tribal customs.

For example, in mediation within the Maasai community, there are basic rules such as 49 cows to pay for the crime of murder (the basic rules are the same as the Maasai in Kenya).

(2) Challenges for vulnerable groups

Mention women, children, and people with disabilities, HIV patients, and refugees, who are assumed to be vulnerable groups.

- Women: Marriage and divorce, GBV, sexual discrimination, FGM, etc.
- Children: support and custody, sexual violence, domestic violence, and discriminatory treatment of children. Tanzania has the Child Act and Juvenile Court Rules, which ensure that child protection is done out of court through the Local Government.
- Persons with disabilities: Discriminatory treatment (Social support and social protection are provided by the Person with Disability Act, No. 9 of 2010)
- Patients with HIV: There is discriminatory treatment (HIV AIDS (Prevention and Control Act No. 28 of 2008))
- Refugees: Tanzania had just over 330,000 refugees as of the end of October 2018, with Burundian refugees (245,000) and Congolese refugees (84,000) accounting for the majority. There are three refugee camps. The Tanzanian government has not officially adopted the Comprehensive Refugee Response Framework but supports the Global Compact on Refugees. Typical conflicts are GBV and lack of dignified family latrine (no choice but to rely on communal latrine). Donor support for refugees is provided by UNHCR on the refugee camp side and UNDP on the host side; Kigoma is the main branch (for Congolese refugees), and Katavia and Tarova (for Burundian refugees). Psychological and social support combined with legal support.

3.5.2 Public perception towards the judicial system

There is no mechanism for the general public to evaluate judges of the lower courts (Resident Magistrate and District Court and Primary Court). Transparency International's Corruption Perception Index ranks them 94/100.

According to the interviews with the general public, there is a high level of trust in the formal justice system in urban areas, while there is a high level of trust in informal justice, which is more familiar and accessible in rural areas. However, the general public is also aware of the problem of training of personnel responsible for mediation and decision making (e.g. Ward Tribunal issues). In Tanzania, trust in informal justice involving paralegals is also high.

3.6 Policies and institutions for access to justice

3.6.1 National policies on access to justice

(1) National policy

Although Tanzania has a legal aid law, it does not have a legal aid policy. The Legal Service Facility (LSF), DANIDA, and UK AIDS are the major donors.

(2) Legal Aid Law

The Legal Aid Act, 2017 and the Legal Aid Regulations of 2018, Government Notice No. 44 of 9/2/2018 exist as law; the Legal Aid (Criminal Proceedings) Rules of 2014, Government Notice No. 353 also exist.

Zanzibar has a Zanzibar Legal Aid Service Center.

(3) MOCLA Initiatives and Strategies⁶⁰

The Legal Aid Unit of the Ministry of Constitutional and Legal Affairs (MOCLA) focuses on (1) the criminal justice field, (2) paralegal certification, and (3) awareness-raising activities.

Common issues in (1) and (2) include inadequate protection of the rights of criminal defendants and insufficient involvement of the Formal Sector, and the fact that the police and prisons still do not allow access to paralegals. Lack of legal representation is also a problem in Tanzania.

In terms of (1), MOCLA conducted a pilot project in police stations to train the police management on the need for legal aid and the rights of criminal detainees (targeting 112 prison officers and 165 police officers), since paralegals are not allowed to be involved in the legal activities in prisons and polices. In addition, Legal Aid desks were set up in the police stations (two locations in Ilala and Mwanza). MOCLA is also working with the AG Office Public Prosecution and UNDP to conduct inspections of detention facilities through projects such as the establishment of CHRAGG (Commission for Human Rights and Good Governance).

Also, for (2), MOCLA is trying to train 150 paralegals in the courts per year.

3.6.2 Institutions and jurisdiction on access to justice

The Ministry of Constitutional and Legal Affairs, the Attorney General's Office, and the Ministry for Home Affairs are in charge of access to justice.

The National Legal Aid Advisory Board and the Office of the Registrar of the Legal Aid Providers are under the umbrella of the MOCLA as legal aid agencies established by the Legal Aid Act.

There is also a National Coordination Committee at the national level, which includes ministries, registering authorities, police, etc. The committee provides advice to MOCLA with regard to legal aid and promote the coordination of the ministries. For legal aid, there is a Sectoral Coordination Committee (15 committees in 26 regions). For legal aid, there is a Sectoral Coordination Committee (15 committees in 26 regions).

A cross-country initiative is the East African Legal Aid Providers Network. When it started, NLAS of Kenya was the chair. It is now chaired by MOCLA on a rotating basis.

3.6.3 Legal aid system and service

(1) Overview of legal aid

According to the Legal Aid Act (Section 3), legal aid includes the provision of legal education, legal information, legal advice, legal assistance, and representation to those who do not have access to private legal practitioners.

⁶⁰ MOCLA Legal Aid Unit Hearing

Such legal aid services need to be free of charge. Although the Criminal Proceeding Act and the Legal Aid Act of 2017 have increased the scope of criminal cases, they are still insufficient. The Criminal Proceeding Act and the Legal Aid Act of 2017 have increased the coverage of criminal cases, but it is still insufficient.

The number of cases is available in the database of the judiciary (JSDS) but is not disclosed to the public.

Table 3-2 Number of cases filed (as of 25th June 2021)

	E-filing	Paper-based filing	Total
25th of June (one day)	176	8	184
Month of June	5,206	154	5,360
Year of 2021	22,604	9,168	31,772

Source: Interview with High Court

(2) Budget for legal aid

In the absence of a specially allocated budget, the budget relies on Legal Service Facility (LSF) as a basket fund and other key donors such as UNDP, DANIDA, and UK AIDS.

(3) Status of provision of legal consultation and the types of providers and users

Legal aid under the Legal Aid Act is supposed to be provided by Advocates, Lawyers, and Paralegals. However, paralegals must also be under the supervision of an attorney to perform legal services, and there are restrictions on their legal services.

MOCLA is organizing Legal Aid Week and Law week.

In the courts (high courts) initiative, which was conceived in 2020 and launched in 2021, the Integrated Justice Center (IJC), a building with issue-specific desks, was established in seven locations (two in Dar es Salam, one in Dodoma, Morogoro, Mara, Kigoma, and Arusha each). Funded by IMF and MOCLA, in cooperation with bar associations and paralegal centers. Legal aid desks, GBV desks, family dispute desks, prosecution, and private defense desks, etc. Capacity building for each issue such as GBV is also needed.

Many NGOs are also providing legal aid through this mechanism.

- **Tanganika Law Society:** Runs a legal aid clinic, covering 18 of the 25 states. In addition to legal advice, it also provides referrals to proper institutions.
- **Legal Human Rights Centre (LHRC)⁶¹:** Legal Clinic supports the poor as well as vulnerable groups in areas such as criminal detainees' issues, environmental issues, and labor issues. Addressing the issue of a bail in Tanzania (Among East Africa, Tanganyika and Uganda are in a poor situation due to the wide range of crime types that are not eligible for bail. In Tanzania, detainees in all cases in Zanzibar can be bailed out). In addition, LHRC developed Haki Kiganjani (Justice in Hand in Swahili), an application for reporting human rights issues.
- **Tanzania Women Lawyers Association (TAWLA):** Provides legal advice and dispute resolution for women and children, advocates for changes in discriminatory laws (contributes to changes in the Law

⁶¹ Legal Human Rights Centre Hearing

of Marriage Act, Children's Act, and Village Land Act). It also provides legal advice and awareness-raising activities for the community.

- Tanzania Law School: has a Legal Aid Center on campus (provides free legal services. 4 rooms. Open on Tuesdays and Thursdays. 12 Advocates work there. 12 lawyers (advocates), and about 6 students are committed). In addition to the regular training of legal professionals, the center will focus on continuous training and paralegal training in the future. In particular, they would like to create a one-stop platform for continuous training. In addition, they provide legal aid in bus terminals (tents set up in bus terminals to provide legal advice, adjacent to police stations) and legal education in elementary school and primary school (once a month), etc.
- Legal Service Facility, LSF: basket fund for paralegal support (4,000 paralegals registered); supported by the EU and Denmark (DANIDA). By the end of 2020, training was provided to 3,642 community paralegals (including 1,967 males and 1,675 females) in mainland Tanzania and to a total of 272 national paralegals (including 190 males and 82 females). In Zanzibar, a total of 281 people (155 men and 126 women) were trained. This initiative has reached 1,578,638 people in the community by the end of 2020.⁶²



Legal aid in bus terminals



Legal advice and awareness-raising activities by TAWLA

Other institutional challenges are that 1) while customary law can be applied to the Primary Court, the judge of the Primary Court needs to hear the opinion of the assessor, 2) the Magistrate cannot make decisions to grant legal aid in the Primary Court and legal aid agencies cannot even be heard in the Primary Court. In addition, 3) since the legal representation is not available in the Primary court, the right to a trial is restricted for vulnerable groups such as the elderly and illiterate persons who are unable to litigate by themselves.

Although there are many providers of legal aid and informal justice, there is a problem of lack of centralized information, and awareness of this issue has led to the idea of creating a "Lawyers' Bank" as a human resources registration platform between the Ministry of Constitutional Affairs, Legal Affairs (MOCLA) and the Attorney General's Office.

⁶² 2021/12/1 regional workshop

(4) Measures to improve the quality of access to justice

Although there are currently no measures that directly address the issues mentioned above, improving access to justice at the grassroots level through the use of paralegals, and strengthening and qualifying paralegals will contribute to improving quality.

3.6.4 Call center operation

(1) Ministry of Constitutional Affairs and Justice

The Ministry of Constitutional Affairs and Justice has not established a call center.

(2) Outside the Ministry of Constitutional Affairs and Justice

TAWLA (Tanganyika Women Lawyers Association) has a call center, and the Tanganyika Law Society is considering introducing a call center at its legal aid clinics.

There are two toll-free phone counseling lines. Lawyers (mostly Advocates, but also Lawyers) are available. They are open on Mondays and Wednesdays for new clients, Tuesdays and Thursdays for continuing clients, and Fridays for settlement. Inquiries can be made to LHRC, Police, Social Welfare Department, etc.

3.7 Infrastructure supporting access to justice and public relations

3.7.1 Communication infrastructure

According to High Court, there is a problem with communication speed. In some local courts, they have only 512 kbps. Currently, we have a contract with TTCR for TZS 103 million (US\$ 45 thousand) per month, but if we upgrade, it will be TZS 300 million (US\$ 130 thousand).

3.7.2 Education system

(1) Primary and secondary education

In secondary school, students will learn about human rights in Form 1, democracy, elections, gender, the Tanzanian government, local government, and unions in Tanganyika and Zanzibar in Form 2. In Form 5, they cover democracy in detail, including the rights and duties of citizens and the Rule of Law.

(2) Higher education

An example of a Tanzanian university curriculum is the University of Dar es Salaam (School of Law). This university is the largest and oldest national university (established in 1961). A law degree takes four years to obtain. The compulsory courses are Constitutional Law and Human Rights, and the optional courses are International Humanitarian Law and International Human Rights Law.

There are two types of Masters of Laws: the Regular Master of Laws (LL.M.) and the specialized Taught Master of Laws. The compulsory courses for the LL.M. are Immigration Law and Masters of Laws in Refugee Law. LL.M. in International Humanitarian Law and International Human Rights Law are optional courses.

The Law School of Tanzania (LST) is a higher judicial training institution established under the Law School of Tanzania Act, 2007.

(3) Adult education

Adult education is provided by the Tanzania Institute of Adult Education (IAE). It also offers degrees.

(4) Educational activities

Many organizations understand the need for awareness-raising activities for the general public. The following organizations and others are conducting awareness-raising activities.

MOCLA produces TV programs with UNDP support (educational programs in which paralegals talk about community issues), including ShariaTV and Tanzania Broadcasting. Thinking of setting up a studio; UNDP support is scheduled to end in December 2021. MOCLA is also interested in drama production about legal issues.

Awareness-raising training was held at TLS, law schools, NGOs, and the Danish Embassy.

UNESCO, UNFPA, and UN Women are working together to provide education for girls and young women. UNESCO is also conducting a campaign for women and children to prevent violence in their communities in November 2020.

Other NGOs, such as Kilimanjaro District Council, CULPEER, and DEAR⁶³ carry out awareness-raising activities targeting young people.

3.7.3 Public relation tools

(1) Home Page

The Ministry of Constitutional Affairs, the Ministry of Justice, and the Attorney General's Office have their websites^{64,65}.

(2) Social media

Facebook and other media are being used to disseminate information.

(3) Traditional Media

Tanganyika Lawyers Association published and leafleted a Self-help Kit (38 topics) as well as guiding notes. It also conducts outreach programs (online TV programs) such as Wakili-TV(1) Wakili TV, Facebook. Other programs include mock courts and debates by young lawyers.

TAWLA (Tanganyika Women Lawyers Association) has a radio program on Radio 1 every Tuesday. Community radio is also frequently used, educational programs are broadcast.

⁶³ Development Education and Awareness Raising Programme by EU

⁶⁴ [Home | Ministry of Constitutional and Legal Affairs \(shareria.go.tz\)](http://www.shareria.go.tz)

⁶⁵ <https://www.agctz.go.tz/>

3.8 Introduction of ICT in the judicial system

3.8.1 Polices of ICT introduction in the legal system

The Judiciary has taken the lead in introducing ICT, and the former president has been very supportive.

3.8.2 Current status of ICT adoption

(1) Summary

The Judiciary is taking the lead in the use of IT. The High Court has made e-filing compulsory, and e-court/e-case management is in progress. Court applications have also been developed and released to the public. This is due to factors such as the Chief Justice's positive attitude toward IT and the endorsement of the former President. However, there is a lack of resources and infrastructure.

However, many citizens cannot cope with IT, for example, they do not have internet access at home. Therefore, one Service Bureau has been set up in each court to allow visitors to file online cases on the spot.

In the Attorney General's Office⁶⁶, the DPP (Attorney General's Office, Office of the Director of Public Prosecution), which is in charge of the prosecution division, is also working to promote the use of IT, following the example of the Judiciary. However, the documents sent from the investigative agency to the prosecutor's office are still in physical form, making the switch costly. In addition, video conferences are being held and used as evidence, but few police departments have such settings. Resources and infrastructure are also lacking. The Attorney General's Office, Office of the Solicitor General, is also looking to simplify the process of accepting complaints online and allowing communities to submit them individually. In the future, the Office of the Attorney General's Office, Office of the Solicitor General, also has the prospect of accepting claims online and making the online platform simple for communities to submit them in person. Note that claims from individuals in the community can be submitted by individuals to the Registrar of Legal Aid since the enactment of the Legal Aid Act, 2017.

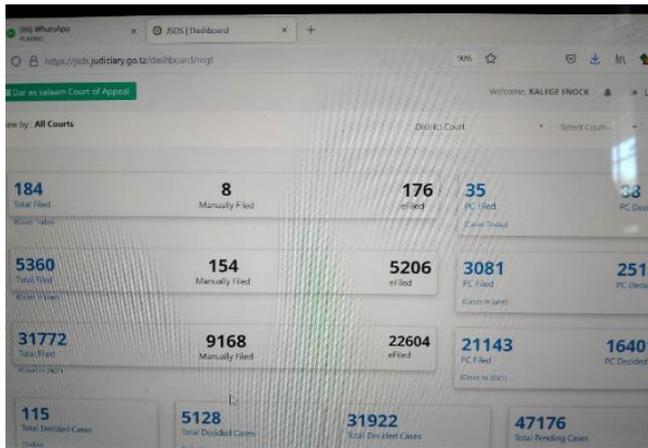
(2) e-filing, e-court, e-management

The Judiciary has developed JDS ver.2 with Judiciary resources since 2017, and launched it in July 2018, allowing for internal e-case management. The implementation of the e-management system (Judiciary Statistical Dashboard System (JSDS-2)) was supported by WB⁶⁷(including the Mobile court).

Various online tools are prepared for internal use by public users. For example, there are JSD2.0 (case management tool for internal use), TAMS (case management tool for lawyers), JMAP (court mapping), e-court, and Audio recording. JSD also has an app (to be released in February 2020). There is also a Judiciary App for the general public (to be released in February 2020). It includes a case search and case list.

⁶⁶ 2021/6/26,28 Hearing from AG Office

⁶⁷ [Tanzania Judiciary Accepts Modern ICT Technique - Techunzipped News](#)



In court intranet



Mobile application

- e-case management (JSD): The number of cases can be viewed in real-time. By visualizing the number of cases pending, they can decide on assignments to judges. It has also made statistics easier.
- e-court (JITSI): They had already created a Virtual Platform before the Covid-19 craze. The platform is unique. It does not rely on Zoom, Google, or Microsoft as other countries do.
- e-filing (JOT): All documents are now to be submitted digitally. Service Bureau is available for those who do not have internet access. There is at least one in every court. The court staffs will physically assist you in e-filing. Payment is done by e-payment and the users check the progress by e-proceeding. Currently, only people who know the name of the case can access it. The public interest litigation will be available on YouTube.

(3) Training

Three-day training on e-record keeping was conducted by judges at the High Court in the Dodoma region in April 2021. However, according to the High Court, training opportunities should be increased.

3.9 Donor funded activities

Key donors working in the area of access to justice include DANIDA, Irish Aid, and UK AIDS, in addition to UNDP; a meeting with DANIDA's regional representative is scheduled for the future.

(1) UNDP

The following project will be implemented until 2021. This project aims to strengthen the functioning of the criminal justice system by creating a Human Rights and Governance Commission in the Tanzanian government⁶⁸.

- Project Title: Strengthening Access to Justice and Human Rights Protection (Establishing and strengthening the functions of The Commission for Human Rights and Good Governance (CHRAGG)⁶⁹)

⁶⁸ https://www.undp.org/content/dam/tanzania/img/2018/updated-fact-sheets/Access%20to%20Justice_Fact%20Sheet.pdf

⁶⁹ [Microsoft Word - 13.CommHRAGG_Tanzania.doc \(ohchr.org\)](#)

- Donors: UNDP, Danish International Development Agency (DANIDA), DFID, the Royal Netherlands Embassy, the Swedish International Development Cooperation Agency
- Target Organization: The implementing agency is the Ministry of Constitutional and Legal Affairs. Other agencies include the Attorney General Chambers, Director of Public Prosecution, the police (Tanzania Police Service), and detention facilities.
- Period: 2017 to 2021
- Budget: US\$8 million
- Activities:
 - Worked with MOCLA and the Prosecutor's Office. They conduct inspections of detention facilities. Advocacy on bail and probation issues for detainees. The direction is to reduce the number of detainees in the future.
 - However, one issue is that there is still insufficient coordination. The budget is mostly Danish DANIDA, but not full.

(2) World Bank

The following project is under implementation. This project aims to improve the efficiency of the Tanzanian judiciary, which includes the computerization of the judiciary.

- Project Name: Tanzania Citizen-Centric Judicial Modernization and Justice Service Delivery Project⁷⁰
- Donor: International Development Association (IDA)
- Target institutions: Judicial institutions
- Period: 2016 to 2022
- Budget: US\$65 million
- Activities:
 - We are working on online case management for the courts, online claims procedures for the public, and awareness-raising activities through CSOs.

(3) Other

- The joint project of UNDP and UNHCR to support refugees
- Activities:
 - Social integration in three regions: Kigoma (refugees from Congo people), Katavia, and Tarova (Burundi refugees).
 - The division of roles is that UNHCR takes care of the refugee side and UNDP takes care of the host community side. Issues that arise outside the camps will also be addressed; Psychosocial support and legal support will be used together; legal support will include GBV relief and access to justice through paralegals.
- IOM is conducting an awareness campaign for local communities in August 2020.
- UNESCO, UNFPA, and UN Women are working together to provide education for girls and young women. Support is provided by KOICA.

⁷⁰ [Development Projects : Citizen-Centric Judicial Modernization and Justice Service Delivery - P155759 \(worldbank.org\)](https://www.worldbank.org/en/projects-operations/development-projects/citizen-centric-judicial-modernization-and-justice-service-delivery-p155759)

- UNESCO is running a campaign for women and children to prevent community violence in November 2020.

3.10 Challenges of access to justice in the country

Challenges to the system of access to justice include (1) the small number of legal aid targets, (2) sustainability of legal aid activities, (3) language barriers, (4) systemic issues, and (5) limitations in the use of paralegals.

- **Lack of Human Resources and Resources for Formal Justice:**

There is a lack of human resources such as judges and security magistrates, and the training opportunities need to be expanded.

- **Lack of knowledge and understanding of the law**

The general public generally does not know about legal systems, procedures, and rights.

- **Regional disparities**

There are only 13 High Courts out of 26 provinces, and only 1 or 2 primary courts in districts (each district is about half the size of Rwanda). This impedes access to justice, especially in rural areas.

- **Legal education and awareness-raising activities for the general public**

Even though there are adult education institutions, legal education for the general public is inadequate.

- **Lack of resources and infrastructure for IT in the judiciary**

The Lack of capacity of operational and users' side means that there are difficulties in infrastructure and communication.

- **Care for vulnerable groups spilling over from ICT**

At present, the High Court is providing support for the computerization of court proceedings through its service center by teaching how to use computers, but further development of the area is needed.

- **Impact of Covid-19**

Increase in GBV. However, there is no lockdown in Tanzania, so there will not be an increase in telephone consultations⁷¹.

- **Sustainability of legal aid activities**

In criminal cases, the problem is the low level of legal representation and the low number of lawyers doing pro bono work, and in civil cases, the problem is that the Legal Aid Act does not allow for free legal representation.

- **Language barrier**

Many of the laws are still written in English and have not been translated into Swahili, which means they are not widely used.

⁷¹ TAWLA Hearing

- **Under-representation of the judiciary and the coverage of legal aid**
Due to the large size of the land area, legal aid is not provided in all areas.
- **Criminal Justice Issues**
Human rights issues in the criminal justice system, lack of legal representation, and restrictions on the right to bail. Restrictions on the right to bail are a problem unique to mainland Tanzania, while in Zanzibar the right to bail is recognized for all types of crimes. Uganda also has similar bail problems.
- **Training of human resources for ADR and legal aid**
Currently, paralegals are vigorously engaged in this work, but its institutionalization is an issue for the future. Also, legal education and awareness-raising activities for paralegals and the general public are future tasks.
- **Similar challenges as in Kenya**
Basic human rights problems continue to occur because people tend to rely on AJS (Maasai women are still not allowed to own property, ethnic customs inhibit cooperation and collaboration with public institutions in some cases).

3.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegals

Tanzania is a country where paralegals are widely active with 4,000 paralegals throughout the country, but the creation of a unified certification program has just begun. The Ministry of Justice and Constitutional Affairs recognizes that strengthening the capacity of paralegals is the biggest challenge. On the other hand, there is an issue that information on legal aid providers is not centralized, and the Attorney General's Office is planning to create a Lawyers' Bank to register informal justice providers (an idea of the Ministry of Justice and Constitutional Affairs and the Attorney General's Office). It is a good idea to support the development of legal assistants in a comprehensive manner. In Tanzania, the ban on legal representation in primary courts, which are mostly in rural areas, was lifted in 2021, but capacity building is urgently needed here as well.

It would be a good idea to support the use of ICT in the creation of a paralegal certification program, the creation of a "Lawyers' Bank" for human resource registration, and capacity building training. The creation of an online platform is highly expected by MOCLA, AG Office (Attorney General's Office), and law schools.

(2) ICT

Tanzania is well-positioned for ICT in the judiciary, as the courts have moved online and introduced a case management system. It may be a good idea to consider developing a JusticeHub application, referring to the case of Rwanda.

Both law schools and the Ministry of Justice are positive about incorporating ICT into the field of e-learning, so it may be possible to promote online legal education along with paralegal education.

(3) Mobile Legal Clinic

The problem of under-representation of the judiciary is particularly serious in Tanzania, which has a large area of states. As a countermeasure against judicial overpopulation, it would be beneficial to support mobile legal clinics through the provision of trucks to expand legal aid, legal counseling and activities in remote areas. The clinics at the bus terminals have had some success, and the law school that hosts these clinics is expected to expand. The nomadic tribes of Manga'ati, Sukuma, and Iraq live on the move, and a system that can follow them in terms of both judicial education and measures against judicial depopulation would be significant.

(4) OSC

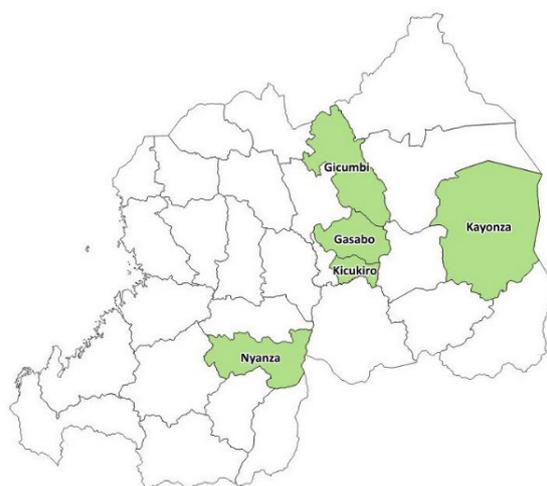
The Integrated Justice Center (IJC), a one-stop center for GBV, family disputes, and criminal cases, has been established in seven locations at the initiative of the High Court, but it is also necessary to strengthen the capacity of each priority issue such as GBV.

Chapter 4. Survey Findings from Rwanda

4.1 Summary

(1) Surveyed area

Rwanda's local administrative divisions are, from the top of administrative hierarchy, Province and Kigali (5 locations), followed by District (30 locations), Sector (416 locations), Cell (2,148 locations), Village (Umugudugu: 14,837 locations), and Isibo⁷². In this study, one urban area (Kigali) and five rural areas (Kayonza, Nyanza, Kicukiro, Karongi, and Gicumbi) were surveyed.



Source: JICA Survey Team

Figure 4.1 Survey areas in Rwanda

(2) Survey summary

Formal Justice: The legal system is a hybrid of the Civil Law system of the former colonizing nation of Belgium and the Common Law system of the current Commonwealth. In 2004, the former Belgian sovereignty began to switch to an Anglo-American legal system, and since then till now, the continental and Anglo-American legal systems have coexisted. The court system includes Primary Courts, High Courts, Courts of Appeal, and Supreme Courts. The issues of formal justice, such as "time-consuming procedures," "high costs," and "remoteness from rural areas," are common, and mediation by Abunzi is used to solve these issues.

Informal justice: ADR (mediation by Abunzi) is mandatory in many cases before filing a case. In particular, Abunzi is incorporated under the local administration and is set up as a two-trial system in Sector and Cell. In the rural areas, the local government (director of Cell or Sector), Mutwarasibo (mutual aid organization of neighbors), village heads, and religious leaders (churches, mosques, etc.) are responsible for resolving disputes among villagers. In addition, although Rwanda does not have a profession named "paralegal," although the mediators of Abunzi, a community mediation, and the legal staff of NGOs effectively play the role of paralegals.

Legal aid services: Legal aid for communities is provided by legal organizations, NGOs, and educational institutions (University of Rwanda). Many NGOs are conducting Mobile Legal Clinics, but many of them lack funding. Some NGOs have already developed storyboards for communities and illiterate people, but these need to be improved.

Use of ICT: IT is being promoted through Integrated Electronic Case Management System (IECMS), and online appeals are mandatory in principle. Care of those who do not use online tools is now largely the responsibility of NGOs, for example, support centers for online appeals are founded by them. Call centers are also being actively used, and simple cell phone counseling is provided by lawyers' organizations. In addition, in the area of criminal justice, the prosecutor, RIB (Rwanda Investigation Bureau), and RCS (Rwanda Correction Service) are

⁷² [Government of Rwanda: Administrative structure \(www.gov.rw\)](http://www.gov.rw)

considering enhancing their functions for online trials, interviews, and visits (they are interested in the RBJ/IBJ app).

Access to justice issues: Lack of human resources for formal justice is also an issue in Rwanda, but efforts to compensate for this with informal justice including Abunzi seem to be working to some extent. However, the development of Abunzi and other human resources remains a challenge, as does the care of vulnerable groups who cannot use online tools, lack of knowledge and understanding of the law, regional disparities, legal education, and awareness-raising activities for the general public, human rights issues in criminal justice, and the lack of legal representation.

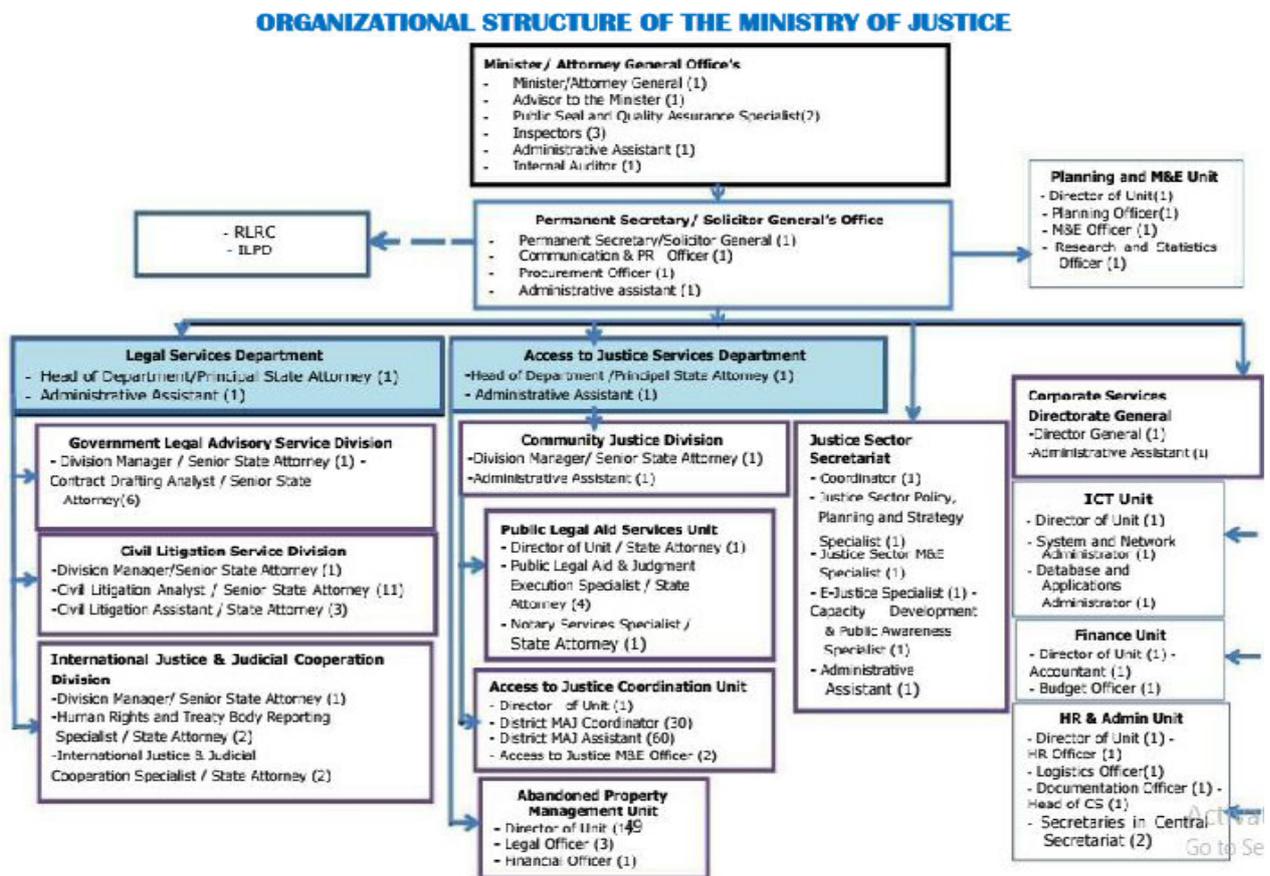
4.2 Governance and judicial sector

4.2.1 Judicial system

Rwanda's judicial system is a hybrid of the former Belgian Civil Law and the current Commonwealth's Common Law (lawyers learn about both systems). Customary dispute resolution is also carried out by the Abunzi, a state-established mediation body.

4.2.2 Organizational structure

The organizational chart of the Department of Justice is as follows



Source: Prime Minister's Orders N° 035/03 du 14/02/2020

Figure 4.2 Organization chart

4.3 System of formal and informal justice

4.3.1 Court system

The court system is as follows from the first trial.

- Primary courts
- Intermediate Courts
- High Court
- Court of Appeal
- Supreme Court

Special courts include the Commercial High Court, Commercial Court, Military High Court, and Military Tribunal.

4.3.2 Alternative dispute resolution systems

(1) Informal justice

Rwanda's local government is divided into the following categories: Province and Kigali > District > Sector > Cells > Village > Isibo.

In rural areas, from the grassroots level, Mutwarasibo (mutual aid organization of neighbors), Village Chiefs, Cell Directors (Executive Secretaries), and Sector Directors (Executive Secretaries) are responsible for resolving disputes among villagers. The Director may also serve as the Executive Secretary. The Director of Good Governance at the District level may also intervene in the decisions of the Director.

(2) Community dispute resolution involving residents

After the 1994 genocide, the number of judges in Rwanda was reduced from 758 to 244, and the number of prosecutors was reduced from 70 to 12. As a result, the Gacaca courts, which include the local population as a dispute resolution body, were used to resolve genocide-related issues (the Gacaca courts ceased to operate in 2012⁷³).

Abunzi is a system of mediation; it is located in Cell and Sector (two-trial system). It is a "hybrid system", a public mediation institution established in the community under the Ministry of Justice, but used essentially as an informal dispute resolution tool. Government policy has set a target of no more than 100 cases per year to be handled by the courts (2018)⁷⁴; the use and enhancement of Abunzi's functions are one of them.

In civil cases, in addition to family disputes, property cases not exceeding RWF 3 million (US\$ 3,000) (including damages for breach of contract) and inheritance cases must first be referred to the Abunzi (Abunzi preliminaries principle). The Director of Cell or Sector acts as the Abunzi mediator. In case of dissatisfaction with the decision of the Abunzi of the Cell, the case can be appealed to the Abunzi of the Sector, but if there are objections from third parties who have an interest in the case, the case will be heard again. Such third-party objections arise when

⁷³ The process for the closing began in 2011; HiiL 2012, p.32 and [The Closing of the Gacaca Courts and the Implications for Access to Justice in Rwanda - ISS Africa](#)

⁷⁴ [Government wants to significantly minimize chances of being taken to court \(minijust.gov.rw\)](#)

there are many stakeholders in the disputes. For example, in a land dispute, when land manager A sells the land without the permission of titleholder B, land purchaser C raises an objection in the mediation between land manager A and titleholder B.

Criminal cases can be filed without going through Abunzi, but it is recommended to voluntarily consult a mediator (legal professional or expert, with remuneration) (followed by reconciliation or settlement) before filing the case as a case in the criminal court (also in terms of shortening the trial period). Abunzi mediators are unpaid. There is also no need to use IECMS for criminal trials; Abunzi does not have an online process.

The issue of corruption was raised: the election of Abunzi mediators was postponed under Covid-19, and some mediators have been serving beyond the statutory period of five years. As the Bailiff of Abunzi decisions is also the director of the cell/sector, there are cases where the decision cannot be enforced if the enforcer has corrupt ties with local authorities. In Rwanda, it is not possible to file a lawsuit without going through Abunzi, so the corruption of the Bailiff is in effect a violation of the right to file a lawsuit.

It was decided that family disputes could only be dealt with by Abunzi and the courts after they had been heard by the family council⁷⁵.

Other NGOs also play an important role in mediation through the training of mediators and community dialogues. According to an interview with an NGO that provides training (RCN), the training for mediators includes a basic overview of the law and procedures, as well as communication, etc. The platform of a telecommunication company called Viamo (linked to MTN) is used to provide audio and text content that can be accessed by phone. They provide audio and text content.

(3) Court mediator⁷⁶

The Court Mediator has just been launched in 2020 with a framework in place in 2018. It is under the Judiciary, unlike Abunzi, which is under the Ministry of Justice. The Court Mediator is called Abahoza and is distinguished from Abunzi as it prompts the parties to make decisions (in Abunzi, the constituents are not mediators and the final decision on mediation is made by the Abunzi Committee).

The University of Rwanda is providing the training and credits, and there are currently about 110 people registered. The certificate is obtained after 40 hours of training and is appointed by the Chief Justice of the Supreme Court. The list is available at the Supreme Court.

The registration fee per case ranges from 150,000 to 500,000 francs (about US\$150 to 500). It is cheaper than the US\$500 per case in the courts, but more expensive than Abunzi, as Abunzi in the community is free.

(4) Religious leaders

In Rwanda, where Catholics make up half of the population⁷⁷, church leaders also play an important role in conflict resolution such as informal mediation and counseling.

⁷⁵ Law n ° 32/2016 of 08/28/2016

⁷⁶ 2021/9/17 Interview with Dr. Denis Bikeshu, Dean, Faculty of Law, University of Rwanda

⁷⁷ Eglise Catholique, fr.m.wikipedia.org consulte le 14/03/2021 20h00

(5) Paralegals

In Rwanda, there is no such category as paralegal, but the above-mentioned Abunzi, the newly-started court mediator, and NGO staff play the role of paralegal.

4.4 Basic information on legal practitioners

4.4.1 Number of legal practitioners

The total number of lawyers in Rwanda is 1,324, of which 300 are women lawyers. Most of the lawyers are based in Kigali, and the challenge is that they are not able to reach the problem of the under-representation of the judiciary in rural areas.

4.4.2 Qualifications

To become a lawyer in Rwanda, one must have a law degree, nine months of training at the Institute of Legal Practice and Development (ILPD), and pass the bar exam. In addition, they must not have been indicted for involvement in the massacre. Two years of practical traineeship in a law firm is required to qualify as a lawyer. After qualification, they also need to take continuing training on a variety of topics (they need to earn 30 points each year). This training is conducted online.

4.4.3 Training

To practice as a lawyer, it is necessary to obtain a Diploma in Legal Practice, which is compulsory under the Rwanda Bar Association Law and Rules for Judges and Prosecutors. The training is conducted under Legal Training Institute (ILPD) jurisdiction. This is where Rwandan lawyers learn about both the common law system and the continental law system.

Table 4-1 Training modules

No.	Item	Content
1	General legal culture	<ul style="list-style-type: none"> • General principles of common law and civil law, and legal interpretation and use of case law
2	Interviewing	<ul style="list-style-type: none"> • Skills to effectively and efficiently interview clients, witnesses, and deiatnees
3	Civil proceedings	<ul style="list-style-type: none"> • Understanding of judges' professional behavior and ethics and understanding civil legal procedures • Understanding of court administration and use of IECMS • Skills to apply laws and judicial precedents, prepare judgments, conduct post-trial procedures
4	Criminal proceedings	<ul style="list-style-type: none"> • Pretrial process, preparation of criminal documents, selection of criminal accusations, evaluation of evidence • The prosecutor's investigation work and the relationship between the prosecutor and the judicial police, their respective roles • Acquisition of evidence law and efficient method of obtaining information from witnesses
5	Alternative Dispute Resolution	<ul style="list-style-type: none"> • Understanding the negotiation, mediation, and arbitration processes that can be used in place of proceedings • Skills to select the method to be adopted depending on the project and implement the process
6	Civil and commercial transactions	<ul style="list-style-type: none"> • Understand various transactions related to land registration, land ownership, land transfer, and other household goods • Practical skills in transaction negotiations, sales and commercial agreements, company establishment, mergers and acquisitions, bankruptcy, PPP, intellectual property, capital markets
7	Contract drafting and principles of legislative drafting	<ul style="list-style-type: none"> • Understand the principles and objectives of managing the drafting of legal documents with a particular emphasis on contracts and law • Legislative drafting skills
8	Practice Management	<ul style="list-style-type: none"> • Lawyer ethics, association formation, marketing, customer care, etc.

Source: Local Consultant Survey

In addition, the Women Lawyers Network, a network that has been in existence since June 2018, has frequently held workshops; the workshop held in August 2021 was the 16th, and RBJ is a key member. The theme of the 16th workshop was "Career Theory of Women Lawyers," based on the awareness of the need to train women lawyers, who are the providers of access to justice. There was an activity called Women help women detainee (March 2019) that focuses on issues that women lawyers are likely to address. There is currently support from a Swedish NGO, but further support is needed.



Women Lawyers Network Workshop

4.4.4 Lawyers involved in the dispute resolution

(1) Involvement of lawyers in dispute resolution

Lawyers are involved in dispute resolution at various levels, both inside and outside the courts. In addition to providing legal advice to clients, they represent litigants in court, assist in mediation and settlement outside of court, and in the case of arbitrators, are involved in the arbitration. They may also follow up on cases after judgments or awards have been rendered.

The bar association requires that cases be accepted once a year, but some lawyers are still under capacity. In addition, although the minimum amount of lawyers' remuneration is US\$500, sometimes they receive less than that amount which leads to a decline in the quality of lawyers and their services. There is also an issue of lack of training of lawyers specializing in children's cases.

In the case of legal aid, lawyers are provided with direct expenses such as transportation and gasoline, but the remuneration is free. Legal aid is also provided to minors.

(2) Remuneration structure

Lawyers receive remuneration based on the type of case they are in charge of. The standard of remuneration is subject to the decision of the President of the Bar, which is published in the Official Gazette.

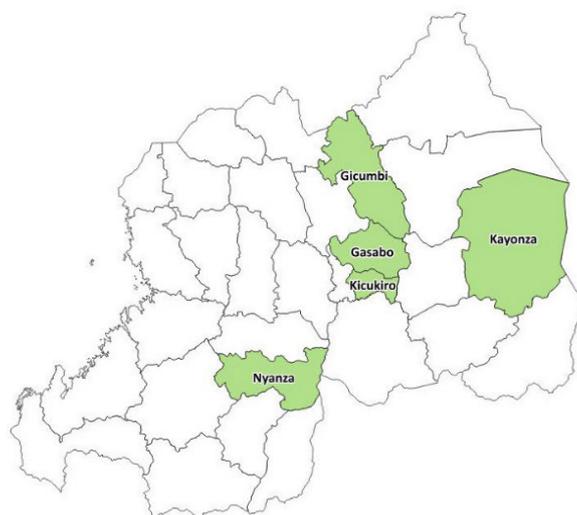
(3) Pro bono

Pro bono work for the poor must be done by former members of the bar association in addition to those prescribed by the Access to Justice Bureau of the Department of Justice. 2 lawyers per District are assigned. There is a sanction for failure to perform pro bono work (e.g., suspension of legal services).

4.5 Social needs analysis for access to justice

4.5.1 Common disputes and means of resolutions

Rwanda's administrative divisions consists of Province > District > Sector > Cells > Village > Isibo. In this study, one urban area (Kigali) and five rural areas (Kayonza, Nyanza, Karongi, and Gicumbi) were surveyed.



Source: JICA Survey Team

Figure 4.3 Survey areas in Rwanda

Table 4-2 Overview of the survey areas in Rwanda

Area	Name	Overview
Urban	Kigali	The capital of Rwanda. The survey was conducted mainly in Kicukiro.
Rural	Gicumbi	The northern area, divided into 21 sectors. Bordered by Uganda.
	Nyanza	Southern area. This is the former kingdom and the foundation of Rwandan culture.
	Kayonza	Eastern area with 12 sectors. Bordered by Tanzania.
	Karongi	Western area. It is the most remote area in terms of infrastructure and transportation access. It is also a tourist destination because it faces a lake.

Source: Local Consultant Survey

(1) Common disputes

The following are typical examples of conflicts experienced by the NGOs we interviewed.

- Haguruka: 60% of the representation cases are land disputes, followed by paternity issues and divorce. The Land Act will be amended in June 2021. The clause that "the husband does not need the approval of the wife to sell or mortgage the jointly owned property" has been revised. The general public is also interested in the amendment of the Land Law. The number of GBV has increased after the Covid-19 epidemic (reportedly by 65%), so if you encounter GBV, first consult the Village Chief, then the ES of Cell or Abunzi, and then the Sector.
- University of Rwanda (UR): Consultations are often about family disputes.
- Member of Women Lawyers Network: The most common cases are theft, drugs, and sex crimes.

- RIB (Rwanda Investigation Bureau): The most common crimes committed by youths are sexual harassment, fighting, drugs, etc. (acts that occur close to students and are considered crimes).

(2) Challenges for vulnerable groups

Vulnerable groups include the poor, children, people with disabilities, women, survivors of genocide, the elderly, and people with HIV within the categories of the law. Others include refugees and illiterate persons.

For Social position, the government categories (moving from 1, 2,3,4,5 to A, B, C, D, E) are as follows.

- A: \$600 or more
- B: \$60-\$599
- C: \$20-59
- D: \$20 or less
- E: None, headed by a child, disabled person unable to work: eligible for legal aid

Households in categories A & B are expected to be partners in community development through their investments and skills that create jobs and corporate social responsibility; Households in categories C & D (category with labor capacity and low income) will benefit from a range of targeted social protection interventions based on their socio-economic profile; Households in category E (Special Category) are not expected to graduate and shall benefit from full state social protection package.⁷⁸

While there are government categories for the definition of "vulnerable groups," some argue that the definition of "vulnerable groups" should depend on the social context (not only the traditional definition of "vulnerable groups," but also other people who are vulnerable under the current society)⁷⁹.

As for refugees, there is a refugee camp near the Congolese border (Kiziba Camp, which has existed since 1996. 18,000 people live there. All of them are from DRC, but they speak Kinyarwanda.

- According to Caritas Rwanda (prison fellowship with UNHCR), which has been running the camp for more than 25 years, the people living in the camp have problems such as 1) unstable legal status, economic deprivation, and 2) accompanying mental instability. Conflicts due to drugs and alcohol also occur.
- Social structure: 1) Camp manager dispatched by the central government (Ministry in Charge of Emergency Management), 2) executive secretary of the local government (Sector), and 3) camp leaders elected by the refugees. Rwandan laws are applied, and security is coordinated with the Rwandan police. The education system ranges from primary education to university (Kepla University was established with support from the US).
- Dispute resolution: If there is a problem that becomes a criminal case, the process is 1) camp leaders and camp committees will resolve it, 2) report it to Ministry in Charge of Emergency Management (MINEMA), and 3) go to court. For civil and family disputes, there is also a women's committee, etc.

⁷⁸ Ref: MINALOC, Social_Protection_Policy, 2020

⁷⁹ Hearing from RBJ

Since the culture in DRC is more difficult to speak out on issues of vulnerable groups such as GBV than in Rwanda, the Authority must intervene.

(3) Efforts to support the vulnerable groups

In an effort to improve access to justice, mechanisms have also been set up to support vulnerable groups and victims.

Isange Center is a one-stop center (OSC) to support victims of GBV and violence against children, which was introduced in the police hospital in 2009 at the initiative of the Rwandan police⁸⁰. The hospital, the police GBV desk, and the judiciary are working together to establish a toll-free and referral mechanism. The contact person is a social worker.

In the future, there is a great need for regional expansion of Isange Center and awareness-raising and judicial education. In Rwanda, there is a culture of silence, which makes it difficult for GBV to be reported, and when a child is subjected to violence outside the home, evidence of violence is removed from the home to protect the dignity of the child before it is reported. Coverage to the general public needs to be expanded.

4.5.2 Public perception towards the judicial system

There is a problem of "lack of knowledge and understanding of the law" among citizens, especially when it comes to land registration, which causes a lot of trouble for urban and rural residents, literate or not. This is also because people do not acknowledge proper procedures for registration.

Since the government publishes less than 4% of all laws in the Gazette, there are also difficulties for ordinary citizens to read the original texts of the laws.

4.6 Policies and institutions for access to justice

4.6.1 National policies on access to justice

(1) National policy

The National Legal aid Policy 2014 sets out a framework for legal aid. It is based on Article 62 of the 2003 Constitution, which calls for legal aid to address social, economic, and educational disparities.

(2) Related laws

Organic Law No 02/2020/OL of 09/06/2010 provides for conciliation committees. The Organic Law (Article 42) stipulates that an advocate is required in the Supreme Court and that a person who is unable to pay legal fees may apply to the President of the Supreme Court for free legal aid.

The law that established the Rwanda Bar Association (November 2013) provides for the "provision of free legal services" to the poor (Article 58).

⁸⁰ <https://evaw-global-database.unwomen.org/fr/countries/africa/rwanda/2009/isange>

In addition, criminal detainees and those accused of genocide are guaranteed representation by a defense attorney, and special legal assistance is provided for children and the disabled.

(3) Related strategies

EDPRES II (Economic Development and Poverty Reduction Strategy) and JRLOS II (Justice, Reconciliation, Law and Order Sector) set out a strategy for strengthening the rule of law by 2017/18.

4.6.2 Institutions and jurisdiction on access to justice

The administration of justice is handled by the Ministry of Justice, the Ministry of Local Administration, the Ombudsman, JRLOS⁸¹, etc. JRLOS is a coordinating committee for the justice sector in general. It works with justice actors but also with the population to raise awareness, notably, for example, the radio programs it produces with EU funding.

According to the National Legal aid Policy 2014, institutions providing access to justice in Rwanda include two public institutions and 74 private institutions. Those institutions are the Ministry of Justice (through MAJ (Maison d'Accès à la Justice), Abunzi, 30 NGOs, 4 universities, and 40 private organizations.

4.6.3 Legal aid system and service

(1) Overview of legal aid

Public legal aid is provided by the Ministry of Justice and its subsidiary MAJ (Maison d'Accès à la Justice) at the district level. Abunzi serves for two years on a volunteer basis and conducts both criminal and civil cases free of charge. Bailiffs are appointed by the heads of Cells and Sectors.

Legal aid includes legal orientation, legal advice, mediation, provision of legal information, drafting of appeals, assistance with Abunzi procedures, assistance with IECMS access, creation of IECMS accounts, drafting of claims to IECMS, litigation representation, advocacy, and other needed support. The following are some examples among the legal aid providing agencies, only Haguruka has a shelter, but other agencies have prepared counseling rooms and other facilities.

(2) Budget for legal aid

There is no budget available. (Considering that local institutions such as Abunzi are run on a volunteer basis, it cannot be said that there is enough money to cover all the ends.)

(3) Status of provision of legal consultation and the types of providers and users

The status of legal aid provision by major institutions is as follows.

- LAF (Legal Aid Forum): Provides legal information and legal advice services through a simple cell phone, not a smartphone, named "845"; released in March 2018; 1.5 million users. A triumvirate of audio, text message, and call center services on 845 platforms, including IVR and USSD, on 94 topics. Contents include GBV, inheritance and family disputes, land, Abunzi cases, labor, etc.

⁸¹ Coordinating Committee of the justice sector in the Districts known as the Justice Reconciliation Laws and Order Sector

- Haguruka: Has partnered with 416 community staffs, equivalent to paralegals in other countries (largest among community-level NGOs). These staffs serve as linkages to legal aid providers (MAJ, lawyers, NGOs, etc.) (supported by UN Women). There are also four shelters for legal advice and emergency evacuation, which have been in operation since 2009, with 20 rooms and shelter for up to 5 days (supported by Global Funds).
- Mobile Legal Clinic is renting a place and using its connections with local leaders, RIBs, and police. There are many land disputes. Legal consultations are held outdoors, but there is a problem with privacy. There were some family disputes in the past. Volunteers from the community are recruited for the service.
- Tubibe Amahoro (Sow Peace): Established in 1995. Originally a post-genocide support group (Karongi region and other areas in the west where genocide was prolonged). It conducted various programs such as 9 Justice Caravans, 21 Mobile legal clinics, 72 Mobile legal education, Radio/TV show. Working with local government, RIB (Rwanda Investigation Bureau), LAF (Legal Aid Forum), JRLOS, etc. Stakeholder capacity building includes workshops for Bailiffs; Mobile legal clinic involves local leaders (MAJ, Setor Chief, RIB, police, JRLOS, RCS, RBA, etc.). There are times when laws and customs conflict, but that is where we come up with solutions. The definition of "vulnerable groups" to be supported are ethnic minorities (historically marginalized people), people with disabilities, youth, women, and the poor (categories 1 and 2).
- RBJ: Working with the RBA to train criminal lawyers, and with the DIDF (Dignity in Detention Foundation) to provide prison support services (there are about 65,000 inmates in 13 prisons). This includes online support services for inmate visitation. In the future, they plan to create a station and connect with prisons online (using Token, which costs about US\$10). In Rwanda, prison inmates have not been able to visit the outside since March 21, 2020. There were also stakeholder workshops for police academy students, collaboration with the Ministry of Education, collaboration with the Ministry of Defense and Ministry of Interior, and collaboration with universities.
- Great Lakes Initiative for Human Rights and Development (GLIHD)⁸²: Has two legal offices in the country, with strengths in human rights, gender-related issues, and support for vulnerable groups. Provides services in remote areas through mobile legal clinics (first in the country to launch mobile legal clinics (referring to the South African model)). Provides legal aid not by using cars or vans as mobile legal clinics, but by going to local government offices by themselves. They train community volunteers as paralegals. Education level is high school graduate. Basic legal knowledge is taught.



Awareness-raising using a picture story

⁸² Based on telephone interview on 12/4/2020.

- RCN: An NGO based in Belgium that has been active since 1996, focusing on women and people with disabilities as its main grantees among the vulnerable groups. Its counterpart on the government side is MAJ (Maison de Access a Justice, a subsidiary of MOJ), which is also a member of JRLOS. The main activities of MAJ are (1) awareness-raising activities for the general public and (2) capacity building for legal aid providers, as well as training for Abunzi and Bailiffs (enforcement officers).

The following table shows the status of legal aid provision in the districts of Rutsiro and Karongi.

Table 4-3 Legal aid provided in the Rutsiro and Karongi districts

Item	2019			2020			2021		
	accept	solution	inquiry	accept	solution	inquiry	accept	solution	inquiry
Execution of judgement	28	12	16	41	37	4	10	7	3
family	73	51	22	89	68	21	73	62	11
Land	48	22	26	42	31	11	33	26	7
Labour	0	0	0	0	0	0	3	1	2
GBV	23	17	6	80	66	14	52	43	9
inheritance	37	23	14	51	39	12	14	11	3
administration	31	12	19	0	0	10	5	3	2
criminal matter	31	6	25	18	13	5	13	8	4
Total	271	143	122	321	254	77	203	161	42

Source: Tubibe Amahoro reports

(4) Measures to improve the quality of access to justice

Lack of legal representation is a problem. Legal fees are US\$500 for the first trial alone. Pro bono is effective. Both legal representation and visitation are rights of the inmate.

Rwanda Correction Service (RCS) signed an MOU with RBJ in May 2020 to cooperate on 1) early access to justice and legal representation, 2) capacity building, 3) formation of expert discussion forums, and 4) awareness-raising activities. The number of possible partner stores has increased to six since then. In addition to legal representation, mental health support for inmates and support for female inmates will be provided.

4.6.4 Call center operation

(1) Ministry of Justice (1871-1948)

No call center under the direct control of the Department of Justice has been established.

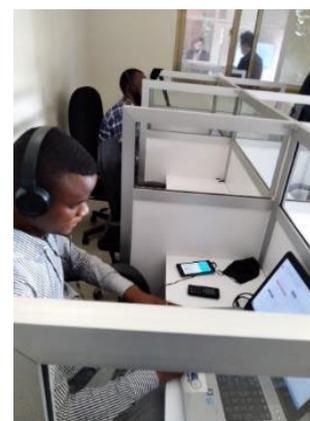
(2) Outside the Ministry of Justice

The following institutions have call centers or toll-free lines or other services.

- Legal Aid Forum call center: 6 staff, but only 2 commutes after the Covid-19 outbreak. The others work from home. Staffed by lawyers. Audio and text messages are handled by the system. Complex issues are referred to as proper institutions. The themes and number of uses for "845" in 2020 are as follows.

Table 4-4 Themes of call center support and number of calls used

Theme	Number of uses
The law on the execution of judgments and judicial decisions	2020
Definition of bailiff	2150
Complaints when the bailiff did not respect the law or the rights of everyone.	1686
A consequence of debtor's resistance	1181
Non-cooperation of the creditor	14188
Debtor resistance	1062
Execution jurisdiction	1589
Execution of court decisions	14976
Punishments	2070
Presentation of the opposition case	2046
Total	40,948



Call center in LAF

Source: RCN justice & Democratie rapport of 2020

- Haguruka (NGO started in 1991 that specializes in legal support for women and children; means "stand up"): has a toll-free line; started in March 2020 after the Covid-19 epidemic; receives over 900 calls per month; 7 Officers, 7 lines; in 2020, 3,000 people will be supported (2,166 in 2019; 10 in 2018). However, GBV is not easy to talk to, and Toll-Free line is the last resort when women are looking for a place to talk to; in 2020, it supported 3,000 people (2166 in 2019, up from 1077 in 2018). Of those, 187 people were referred to legal representation.
- University of Rwanda (UR): Established in 1973. The legal clinic, Center of Working with Community for legal aid and mediation, is located in the Faculty of Law (credit available). There is also an accredited mediator in the center. Faculty and third-year students are in charge. They offer legal advice to visitors. Most consultations are for family disputes. There are two communities: Huye (the highest quality School of Law) and Ruhengeri (Musanze) (where the National Police College is located). Held every Friday. There are 6 members. Currently accepting students physically, but may use IT; working with LAF; participating in Legal Aid Week. Lack of funds is an issue.
- Great Lakes Initiative for Human Rights and Development (GLIHD)⁸³: Started toll-free calls at Corona Permafrost, available 24 hours a day. In particular, GBV cases are often reported in the middle of the night.

4.7 Infrastructure supporting access to justice and public relations

4.7.1 Communication infrastructure

Some NGOs (RCN) informed that they use a platform of a telecommunication company called Viamo (linked to MTN) for training for mediators. It is accessed by phone and provides audio and textual content.

⁸³ Based on telephone interview on 12/4/2020.

4.7.2 Education system

(1) Primary and secondary education

There is no curriculum for teaching law in primary and secondary education. Whether or not there is a curriculum on human rights, democracy, and institutions needs to be confirmed in the future.

(2) Higher education

The curriculum at the School of Law is as follows.

Table 4-5 Curriculum of the faculty of law

First year	Second year	Third year	Fourth year
<ul style="list-style-type: none"> • Legal theory • History of law • Research skills • Rights within families • Constitution • Introduction to criminal law • Organizational law, function, and jurisdiction of courts • Basics of economics and accounting • Legal term 	<ul style="list-style-type: none"> • Contract Law • Tort law • Property and Land Law • comparative method • Criminology, psychology, sociology of law • Legal evidence • Special criminal law • Procedural law • Administrative law 	<ul style="list-style-type: none"> • Taxation law • Labor and Social Security Law • Specific contracts • Public international law • Commercial law • Institution of marriage, liberty and the law of succession • Methodology of social law research • Legal drafting and complaint writing • Legal clinic <p><u>Electives</u></p> <ul style="list-style-type: none"> • Comparative Criminal Law • Competition law and consumer protection 	<ul style="list-style-type: none"> • Professional legal ethics • Economic and financial law • Securities and insurance law • Human rights law • International criminal law • Private international law • Gender and children's law • Internship • Environment, energy and natural resources law <p><u>Electives</u></p> <ul style="list-style-type: none"> • Criminology, medical law, regulation of public utilities • ADR, ICT law, intellectual property law

Source: University of Rwanda

(3) Adult education

The Rwanda Investigation Bureau (RIB) provides judicial education to the general public; the RIB was delegated authority for investigations and other tasks by the police in 2018 and continues to work in collaboration with the police. Many of its staff come from the police force.

1) one for schools, 2) one for the community, and 3) one for the training center; 1) the content for schools includes drug abuse, child abuse, domestic violence, human trafficking, etc.; 2) for the community, since 2018, on Tuesdays, the local government (village, Umugudugu) holds a meeting and the head of Umugudugu is in charge of the Crime Free Village campaign, targeting about 50-100 people each time (an attempt to continue until there is zero crime). However, the campaign has been stopped for about a year at Covid-19. The head of Umugudugu reports the number of crimes to the Cell, Sector, and District. Umugudugu that succeeds in reducing the number of crimes will receive an Award. This experiment started in the eastern part of the country but is now spreading nationwide.

4.7.3 Public relation tools

(1) Home Page

The Department of Justice has a website⁸⁴. Government-related payments (e-payments)⁸⁵ can also be made through the irembo website. IECMS, an online case management system, is also available on the website.⁸⁶

(2) Social media and traditional media

Many organizations use both Internet-based media (websites and social media) and traditional media (TV and radio). In addition, the following organizations have established PR and awareness tools.

- Haguruka: There are 5 state-run radio channels and about 20 privately owned channels (Rwandans listen to the radio a lot), and Haguruka also has a program. Haguruka also produces storyboards supported by Sweden.
- Tubibe Amahoro (Sow Peace): used radio, etc to raise public awareness of rights. The caravan was held in the marketplace for public awareness on different themes. Another method was community dialogue used pictures in a storyboard format to raise awareness of rights.
- RBJ: Currently using SMS, flyers, radio, mock court, etc. Positive about legal education using TV dramas, etc.
- LAF: Using Facebook, Twitter, Instagram, etc. for 845 services.



ICT-based service tools in LAF

4.8 Introduction of ICT in the judicial system

4.8.1 Polices of ICT introduction in the legal system

Although there is no policy for ICT adoption, IECMS and other ICT adoption initiatives have been underway for some time now. According to the interview at the Ministry of Justice, e-notary (online notary) will also be implemented in the future⁸⁷. They have also already partnered with the office of Irembo, a cyber café that supports the implementation of e-governance in the community.

In 2019, Rwanda's efforts will be presented at an international conference on IECMS (case-filing system)⁸⁸. In addition, in 2020, an e-court will be launched in response to Covid-19 (criminal cases)⁸⁹. Maintenance of IT equipment and human resource development are the issues.

⁸⁴ [Home \(minijust.gov.rw\)](http://minijust.gov.rw)

⁸⁵ [IremboGov](http://irembo.gov.rw)

⁸⁶ RWA-IECMS

⁸⁷ 2021/9/13 Meeting with MAJ and Legal Aid Bureau, Ministry of Justice

⁸⁸ [IECMS \(judiciary.gov.rw\)](http://IECMS (judiciary.gov.rw))

⁸⁹ Covid-19: Rwanda courts go online during lockdown - The East African

4.8.2 Current status of ICT adoption

Status of ICT implementation: As an e-court, the court has started to hold hearings via Skype for people in custody. It is for defendants, prisoners in jail, etc., and handles both criminal and civil cases. Interrogations via Skype are also conducted. However, it is not available to the general public.

(Issue) In Rwanda, only 15% of the population has access to electricity, which is a disincentive for access. It costs RWF 10 thousand (US\$ 10) to file a lawsuit in court, while it costs RWF 30 thousand (US\$ 30) to file a lawsuit from an internet cafe. Also, there is no information sharing in Internet cafes.

(Response) NGOs have set up service centers and service stations to provide support to those who cannot use the Internet. Also in June 2021, around 300 cybercafe agents across the country were trained to facilitate access to jurisdictions through the system. The MOJ Justice department says they will then receive a license.

Tubibe Amahoro (Sow Peace): To provide legal aid for facilitating access to justice to those who do not have internet access at home, they also provide services to help with online appeals for IECMS. There are two stations for this purpose.

As for ICT use, the IREMBO, which is used to pay for government services, is used as a contact point. However, there is a problem that electricity is not distributed throughout the country. This is an infrastructure problem.



IREMBO agent

4.9 Donor funded activities

The main donors working in the area of access to justice are UNDP as well as the Netherlands, which is also a leading donor.

(1) UNDP

The following project will be implemented until 2018. This project aims to strengthen the human rights function of judicial institutions.

- Project Title: Promoting Access to Justice, Human and Peace Consolidation in Rwanda⁹⁰
- Donors: UNDP, OHCHR, UNICEF, UN Women, One UN
- Target institutions: Ministry of Justice, National Commission for Human Rights, Police, National Unity, and Reconciliation Commission
- Period: October 2013 to June 2018
- Budget: UNDP, OHCHR, UNICEF: US\$ 715,000; UN Women: US\$ 330,000; One UN: US\$ 4 million
- Activities:

⁹⁰ [Promoting Access to Justice, Human and Peace Consolidation in Rwanda | UNDP in Rwanda](#)

- Strengthen the function of the justice sector, expand the IECMS system, capacity building for the period of the study, and strengthen the response to GBV/DV and violence against children (especially the police)

(2) Others

The targets that UNDP is focusing on are as follows

- The vulnerable groups we are targeting for support are (1) detainees (there are said to be about 7,400), (2) refugees (also prone to GBV), (3) people with disabilities (with issues such as lack of awareness of rights and inability to communicate), and (4) GBV (we are working with RBA).
- Further expansion and support of IECMS are needed. The prospect of supporting e-courts in prisons from UNDP is also mentioned.

4.10 Challenges of access to justice in the country

- **Lack of personnel and resources for formal justice**

The lack of manpower and capacity is manifested in the increase in backlogs. The government's policy is that it plans to solve the backlog through two main measures: IT and enhancement of Abunzi's functions.

- **Care for vulnerable groups spilling over from ICT**

As the use of IT in judicial procedures continues to increase, such as making online appeals mandatory in principle, there is an urgent need for support for citizens who do not have access to communication or IT literacy. Currently, NGOs have set up support centers in their regions to follow up on online procedures, but they lack resources. In the future, it is necessary to create a support system that transcends sectoral boundaries.

- **Lack of knowledge and understanding of the law**

There is a lack of knowledge among the general public about the court system, procedures, and rights.

- **Disparity between regions**

Many factors hinder the spread of access to rural areas, such as the fact that there are many lawyers in Kigali, an urban area, and some areas are underdeveloped in the judiciary.

- **Legal education and awareness-raising activities**

NGOs are actively raising awareness among the general public through mobile legal clinics and legal caravans, but this is still insufficient due to a lack of resources. The University of Rwanda is also discussing how to collaborate with educational institutions.

- **Human rights issues in criminal justice and lack of legal representation**

The shortage of legal representation is also a challenge in Rwanda. Another problem is that after the Covid-19 pandemic, inmates in penal institutions are restricted in their rights to access and visitation. The use of IT is being discussed as a solution to this problem.

- **Abunzi's Human Resource Development**

Mediators at Abunzi are volunteers⁹¹. There is a lot of work to be done, but the training is inadequate.

4.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegal

Although Rwanda does not have a profession called "paralegal," Abunzi mediators, the recently institutionalized Court Mediator (Abahouza), and the legal staff of NGOs working in the community effectively play the role of paralegal. In addition, the legal staff of NGOs working in the community play the role of paralegals. While continuing to strengthen the capacity of community mediators, it is a good idea to work with the University of Rwanda and the Institute for Legal Training and Development (ILPD) to strengthen the capacity of court mediators, and to promote capacity building in both formal and informal justice. Arbitration institutions also need to strengthen their capacity. In this case, it is expected that not only capacity-building training but also online methods will be utilized for the arbitration itself.

(2) ICT

Rwanda has an advanced case management system (IECMS) and an advanced e-government (IREMBO), making it easy for the judiciary to adopt ICT. This is also the reason why the JusticeHub app was able to spread easily because of the IECMS platform. Since there was a strong demand from the three western countries to learn from Rwanda's case at the West Africa Workshop, it would be a good idea to use Rwanda as an advanced case study (hub country) for the use of ICT in the judicial field, and to provide IECMS training and information sharing to other countries, as well as to roll out the app in other countries.

In addition, the "Online family visit" service, which utilizes the app for family visits to suspects and defendants, is useful in addressing the issue of restricted visitation rights for prison inmates under COVID-19.

(3) Mobile legal clinics

On the other hand, there have been many legal consultations using traditional methods (toll-free and truck-based), and in the field of judicial education and legal awareness, the use of picture-story shows and mobile legal clinics have been used, especially in rural areas. The Ministry of Justice is also very interested in this kind of hybrid support.

(4) OSC

In Rwanda, a one-stop center (Isange Center) has been established in a local hospital to support victims of GBV and violence against children. It is also important to strengthen the capacity of the personnel involved in the Isange Center (awareness-raising and judicial education). As part of the regional expansion, there is a possibility of sharing awareness-raising materials among Isange Centers in each region. It is also possible to establish an online platform for sharing materials.

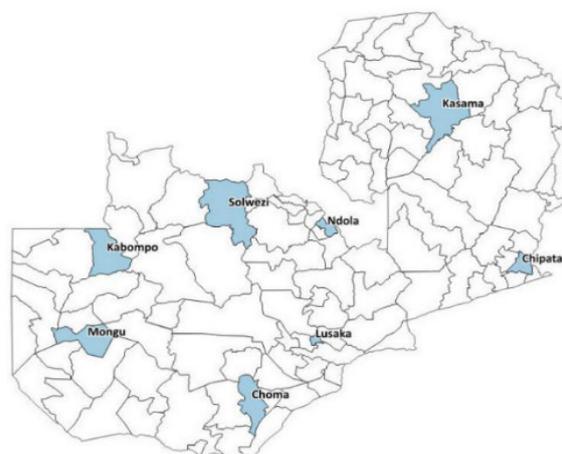
⁹¹ At the request of MOJ, it was decided to postpone the interview with Abunzi.

Chapter 5. Survey Findings from Zambia

5.1 Summary

(1) Survey area

Zambia consists of 10 provinces, 74 districts, and 1430 villages (wards)⁹². The survey covered two urban areas, Lusaka, the capital city, and Ndola, the capital of the Copperbelt Province, and five rural areas (Kasama, Chipata, Choma, Mongu, Kabompo, and Solwesi).



Source: JICA Survey Team

Figure 5.1 Survey areas in Zambia

(2) Survey outline

Formal Justice: Common Law based on the British system and Customary Law is applied in Zambia. The court structure has four levels: Supreme Court, High Court, Magistrate Courts, and Local Courts.

At the same level as Subordinate Courts, there are three fast-track courts, namely the Land Tribunal, the Revenue Appeals Tribunal, and the GBV Court, which allows taking prompt action compared to the Subordinate Courts. In addition, a Victim Support Unit (VSU) has been set up in the police stations to provide services for spouses, women, children, and the aged to access to justice.

Informal Justice: Three types of ADR are provided in the legal framework: reconciliation, mediation, and arbitration, and ADR is supposed to be conducted before taking the matter to the High Courts. In rural areas, dispute resolution is carried out by the traditional tribunal system, village chiefs, and religious leaders. Civil cases such as land inheritance, marital problems (including early marriages), theft, etc. are mainly handled in this informal system, while divorce issues need to be resolved in the formal system. Criminal cases such as GBV, rape, etc. are referred to the police, but it may not be free of charge because they sometimes request a fee for investigation (transportation, etc.).

Legal aid services: At least one Legal Aid Board (LAB) has been established in each province (12 in total), but the number of legal aid lawyers does not meet the demand. Therefore, the role of paralegals was institutionalized in 2018 and paralegals are officially able to provide legal assistance other than legal representation and arbitration. In addition, with the support of donors, three levels of paralegal training curriculum has been created and a unified training and certification system has been established. Although it is still limited, currently, paralegals are deployed in police stations, prisons, and CSO's legal desk to provide legal assistance.

Utilization of ICT: With donor support, an e-case management system has been introduced in judicial institutions including the Judiciary, the National Prosecution Authority (NPA), and the Legal Aid Bureau (LAB). Plans are currently underway to introduce an e-case flow system that will link between criminal justice institutions. In

⁹² Census of Population National Analytical Report 2010

addition, a call center dedicated to GBV and child support was established in 2003 and is operated by an NGO. This call center is an integrated system that can be accessed through SMS, Facebook, WhatsApp, and other social media, in addition to phone calls.

Challenges in access to justice: Budgetary constraints and shortage of human resources is serious issue of the LAB and as a result, the remote area is largely underserved. In some areas, the nearest court or police station is 100 km away. Although the majority of the population relies on the informal justice system, in some cases that involve privacy aspects such as GBV sometimes it is difficult to consult at the community level. The difficulty of those cases extends to the formal justice system where even when the cases are brought to the formal justice system, there are many cases where the trial is not held due to lack of testimony from the perpetrator.

5.2 Governance and judicial sector

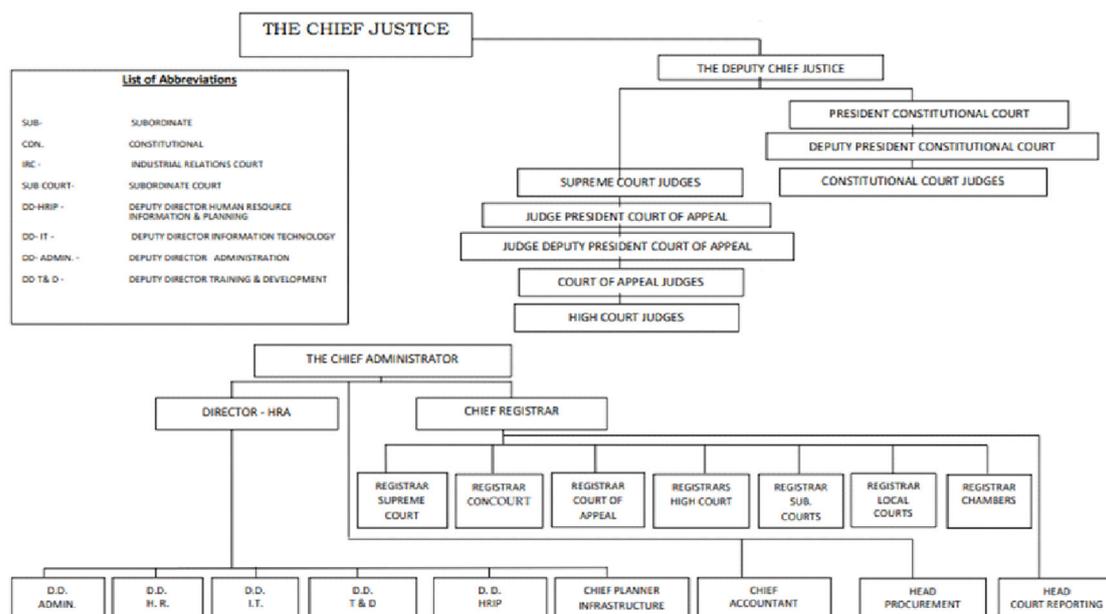
5.2.1 Judicial system

The Zambian judicial system comprises of Common Law based on the British legal system, and the Customary Law which is rooted in the Zambian society. Customary law continues to have a significant influence on Zambian society and is recognized as a source of law in the Constitution. However, customary law is often undocumented, and the Bill of Rights and written law take precedence in the court.

5.2.2 Organizational structure

Ministry of Justice (MOJ) in Zambia consists of the following departments: Human Resources and Administration, Legislative Drafting and Law Revision, International Law and Agreements, Civil Litigation, Debt Collection, and Prerogative of Mercy, and Administrator-General and Official Receiver.

The organizational chart of the Judiciary of Zambia is shown below.



Source: Judiciary-of-Zambia-Annual-Report-2019

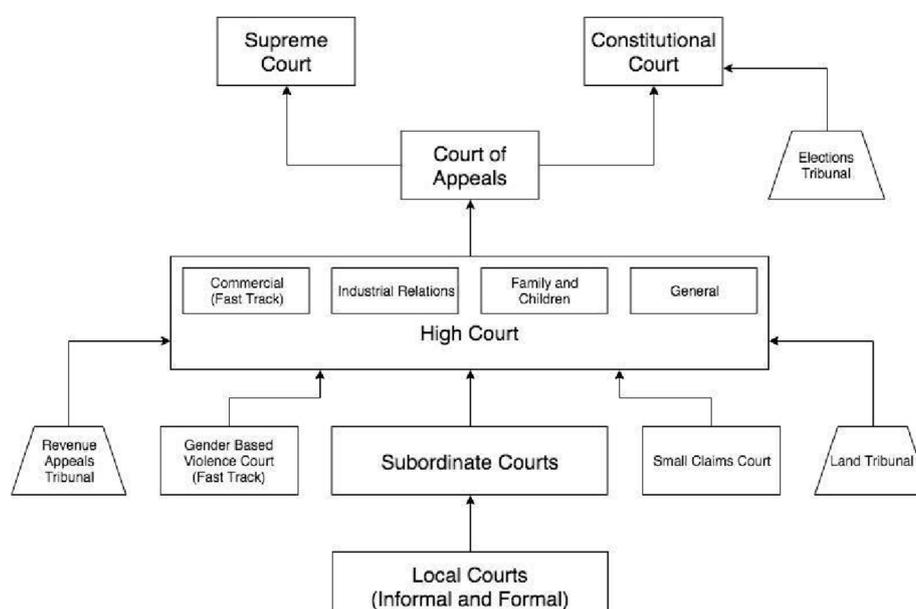
Figure 5.2 Organization of the Judiciary of Zambia

5.3 System of formal and informal justice

5.3.1 Court system

The Zambian court system consists of four levels: the Supreme Court, the High Court, the Magistrate Courts, and the Local Courts. The highest court within the hierarchy of courts is the Supreme Court and the Constitutional Court, which hear cases from the Court of Appeals. The secondary layer is the High Courts that have the following divisions; Industrial Relations Court, the Commercial Court, the Family, and Children's Court. There are 9 high courts in the country. The third layer is the Magistrate Courts and the fourth layer is the Local Courts. Local courts are located in more than 500 locations throughout the country in each chiefdom in 10 provinces and deal only civil cases, mainly with marriage and land issues that have not been settled through mediation in the informal system. In local courts, the law is based on customary law and common law, and in case of differences, the common law is applied.

In addition to these courts, three fast track courts have been established: the Land tribunal, the Revenue appeal tribunal, and the GBV court. The Land tribunal also serves as a mobile court to improve access by the vulnerable groups in rural areas. GBV courts were introduced in 2016 with support from UNDP and are currently located in 6 locations across the country. The Anti-GBV court rule stipulates that GBV-related cases must be fast-tracked in the magistrate courts (14 days for application and 30 days for the execution of sentence). However, in many cases, the law is not widely implemented and the process is carried out as usual⁹³.



Source: Institute for African Development 2019

Figure 5.3 Structure of the court

⁹³ Based on an interview with the Director of the National Legal Aid Clinic for Women (NLACW).

5.3.2 Alternative dispute resolution systems

(1) Mediation

The type of alternative dispute resolution mechanisms (ADR) provided in the legal framework in Zambia are reconciliation, mediation, and arbitration. ADR-related laws have been strengthened since the Arbitration Act was amended in 2000, and the 2016 constitutional amendment clearly states that the use of ADRs, including traditional dispute resolution, is to be promoted. In addition, the 2018 Higher Tribunal Rules provide for mediation before bringing cases to the High Court, except for cases involving constitutional or personal freedoms and cases that the judge deems unsuitable for ADR. A mechanism has also been introduced to allow both parties to select a lawyer from a list of mediators. The mediator is required to deal with and resolve the case within 45 days of sharing the relevant documents⁹⁴. The mediation statistics for 2019 are as follows.

Table 5-1 Mediation statistics for 2019

Status of the case	Number of case
Cases carried over from last year	265
Newly Referred Cases	1,194
Cases settled after mediation	381
Cases under mediation	325
Cases that were not mediated	187
Items to be carried over to the next fiscal year	566

Source: Judiciary Annual Report 2019

(2) Informal justice

1) Local government authorities (Local Council)

The local government deals with issues related to land, market, public health, etc. under the Local Government Act. If there is a dispute over land issues, the Housing Department will resolve it by checking the registration documents and land boundaries. Mediation is the basic method of dispute resolution. The land issue is the main dispute, with 30 cases handled daily, or about 100 cases per week. If a dispute arises in the market (market space, waste disposal, etc.), the complainant can appeal to the market committee. If the complainant is dissatisfied with the decision, the complainant can appeal to the Market Master (local government official), then to the Personnel and Finance Committee, and finally to the Council. The complainant can also take their cases to the Local Court without using this informal system.

2) Traditional Chief

Dispute resolution at the village level is generally carried out by the Village Headman, Zonal Headman (Senior Headman), and Chiefs' Council in that order. The resolution is based on customary law and settled through mediation to reach reconciliation. This village-level information system mainly deals with civil matters such as matrimonial disputes, land issues, livestock thefts, etc. However, divorce issues need to be resolved in the formal justice system. Criminal cases such as GBV and rape are referred to the police, but in some cases, the police

⁹⁴ ACI Arb, ADR practice in Zambia: exploring legislative reforms and future prospects to further enhance the practice, [url](#) (access date: 21 July 2021).

charges investigation fees (transportation fees, etc.)⁹⁵. It depends on the region but at the level of the Zonal Headman and Chiefs' Council, it is necessary to pay a fee of 10-50 ZMK (about US\$0.6-3). This is lower than the fees charged by the Legal Aid Bureau (LAB).

In particular, in the western part of the country, the authority of the chief is very strong. There are issues related to customary law governance where the practices prohibited by law such as sexual cleansing of widows are not being judged at the village level⁹⁶. In addition, only the formal system (local courts) can decide on divorce issues, such as custody, support, and property division. Furthermore, it was emphasized that it is difficult to make decisions in the absence of concrete evidence and that enforcement is weak due to the lack of written punishments⁹⁷.

According to the interview with the chief of Choma, although the concept of human rights is being taught in schools these days, the problem is that there is not enough understanding that "to claim human rights, there comes responsibility," and that particularly young people are no longer listening to the Chief. There seems to be a situation where it is difficult to find a balance between the concept of human rights and community customs and harmony.

3) Religious leaders

In Zambia, Christians account for 95.5% of the population, and other religions, including Muslims (0.5%), make up 2.5%⁹⁸. Most of the conflicts handled by religious leaders are family and matrimonial disputes, and minor theft.

In the case of Christians, the church council will first recommend conflict resolution through talks between the parties involved and try to resolve the conflict within the family unit. If a resolution cannot be reached, the church council will mediate both parties based on the teachings of the Bible. Issues that cannot be resolved are brought to the diocesan executive led by the priest. On the other hand, at any stage of the process, the parties can also bring it to the formal justice system⁹⁹. Also, GBV is not immediately brought to the attention of the police, but rather the discussions are held between the two parties and advice is offered. However, if the issue of GBV was repeated, the issue will be referred to the VSU of the police¹⁰⁰. In the case of Muslims, the Imam, the religious leader, listens to the parties and leads them to a solution through mediation based on the Quran. However, it seems that Zambian law will be applied instead of Sharia law, which is based on the Quran¹⁰¹.

Cases that cannot be handled by the religious leaders are referred to other organizations. For example, they collaborate with the District Child Protection Committee (DCPC), the Advance Legal Advice Committee (ALAC), and support groups related to alcohol abuse.

⁹⁵ Based on needs assessment interviews at Kabompo.

⁹⁶ Based on an interview with Deputy Chief Solwezi.

⁹⁷ Based on an interview with Sub Chief Solwezi.

⁹⁸ Census of Population National Analytical Report 2010

⁹⁹ Based on interviews with church officials in Solwezi.

¹⁰⁰ Based on interviews with Christian NGOs in Choma.

¹⁰¹ Based on interviews with Muslim leaders in Choma.

5.4 Basic information on legal practitioners

5.4.1 Number of legal practitioners

(1) Lawyer

The number of lawyers as of 2020 is 1,906, consisting of 1,015 men and 891 women¹⁰². Of these, only about 280 are qualified as trial lawyers. Only those who have passed the ZIALE exam, which provides legal training after graduation from law school, can become trial lawyers, and the rest are positioned as paralegals¹⁰³.

(2) Judges

According to the Superior Courts (Number of Judges) Act, 2016, the statutory number of judges is 13 in the Supreme Court, 13 in the Constitutional Court, 19 in the Court of Appeal, and 60 in the High Courts. The male to female ratio of judges in each court in 2020 shows that male judges are higher in number in the Supreme Court and Subordinate Courts.

(3) Paralegals

The training of paralegals in Zambia started around 1998, but the number of paralegals is not properly recorded. According to an NGO that overseas CSOs working with paralegals, about 1,500 paralegals have been trained so far, and while most of them have already become lawyers, about 300 continue to work as paralegals. In addition, the number of paralegals certified after the establishment of the paralegal training and certification system is expected to be more than 300 as of 2020¹⁰⁴, and the number of paralegals trained by other organizations is expected to be about 100, so the total number of paralegals is estimated to be about 700¹⁰⁵. It is expected that there will be a detailed survey on paralegals in the future.

5.4.2 Qualifications

(1) Lawyers

Lawyers must have a bachelor's degree in law and undergo postgraduate education provided by the Zambia Institute of Advanced Legal Education (ZIALE) to be qualified as a lawyer. They must also be registered with the Law Association of Zambia (LAZ) to obtain a practicing certificate.

(2) Judges

Judges of the High Courts must have at least 10 years of experience as lawyers. Family and Children's Courts are placed at the same level as the High Courts, and therefore the requirements are the same as for the High Courts. Judges of the Magistrate Court must have a law degree, but not necessarily a lawyer's license. Qualified lawyers often go on to become lawyers in the Superior Court or another institution. Local court judges need to be familiar with the community where it is located but do not necessarily need a law degree. On the contrary, in practice, there

¹⁰² Based on an interview with the Director General of the Law Society of Zambia.

¹⁰³ Based on an interview with a legal aid officer at the Ministry of Justice.

¹⁰⁴ Based on interviews with the Technical Education, Vocational and Entrepreneurial Training Authority (TEVETA).

¹⁰⁵ Based on an interview with the Director General of the Paralegal Alliance Network (PAN).

are many degrees and diploma holders but often do not have sufficient knowledge of the customary law of the target community¹⁰⁶.

5.4.3 Training

(1) Lawyers

LAZ is offering free monthly continuing professional development (CPD) training. In the past, training was provided face-to-face, but starting around April 2021, webinar training is being introduced. The webinar training is sponsored by a bank (Stanbic Bank), which will provide the seminar information and web system, and LAZ will provide only the lecturers, so there are no operating costs. With a limited budget, financial support from outside is important to continue the training. Currently, the IT staff is learning how to conduct webinars and is preparing to hold them by themselves in the future¹⁰⁷.



Bank-sponsored webinar training

(2) Judge

After undergoing ZIALE's lawyer training, they will have to choose between becoming a lawyer or a judge. According to interviews with the magistrate judge, there are currently no colleges or universities that provide training specifically for judges, but they feel it is necessary.

(3) Paralegal

In the National Legal Aid Policy formulated in 2018, the scheme for providing legal aid service by non-lawyers was approved. Paralegals are classified into three levels (Levels 1-3) as shown in Table 5.2. It specifies the qualifications, training content, and training duration, as well as the scope of work after qualification.

Table 5-2 Job descriptions, qualifications, and training standards for paralegals

	Level 3 Community paralegal certificate	Level 2 Paralegal certificate	Level 1 Paralegal diploma
Scope of Services	Serving urban townships and rural village communities	Serve on legal desks at correctional facilities, police stations, and NGO headquarters to provide services to the community	Serve in the courts and provide services in the Legal Services Unit at the lower court level
Training	Basic legal education, legal information, mediation, orientation, and introduction	Basic legal education, legal information, mediation and negotiation, orientation, and introduction	Basic legal education, legal information, legal advice, legal assistance, mediation, and negotiation, orientation, and referral
Qualifications	Completed minimum of Grade 9 who has passed English plus two other subjects (minimum of three)	General education certificate holders who have passed English plus two other subjects (minimum three)	Minimum of Grade 12 certificate holders who have passed English plus four other subjects (minimum five).
Training period	1 month (200 hours)	5 months (780 hours)	11 months (1,620 hours) 5 months (780 hours)

Source: Legal Aid Board

¹⁰⁶ Based on a hearing with a magistrate of the Magistrate Court.

¹⁰⁷ Based on an interview with the Director General of the Law Society of Zambia.

This training and certification mechanism is implemented by the Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA) with the support of the EU, the German International Cooperation Agency (GIZ), and the Danish Institute for Human Rights (DIHR). The content of the training curriculum and training manual was developed in consultation with universities, relevant institutions, and CSOs.

Since 2019, universities and CSOs were also accredited as training institutions. The total number of accredited institutions is 15 as of 2020. The accreditation of training institutions will be assessed based on the qualifications of trainers and the training facilities. Many of the trainers are law graduates and diploma holders, but they do not necessarily have basic knowledge of teaching, so the accreditation is conditional for one year, and they can obtain certification after taking a course on teaching methodology. However, the lack of training in teaching methodology is an issue that needs to be addressed¹⁰⁸.

The certification process for paralegals is a system whereby TEVETA checks the qualifications of the students, the training contents, and issues a certificate to those who complete the training. In 2020, TEVETA will also offer distant e-learning for Level 1 and 2 training¹⁰⁹.

5.4.4 Involvement of lawyers in dispute resolution

(1) Involvement of lawyers in dispute resolution

Lawyers are involved in dispute resolution at various levels, including legal representation in court, arbitration, mediation, and advice. Paralegals can provide legal information, legal advice, mediation, and negotiation, but cannot represent in court and practice arbitration.

(2) Remuneration structure

Lawyers receive a fee based on the amount of the case. They are paid for their services, which include giving procedural instructions, attending court, filing lawsuits, preparing documents, summoning witnesses/defendants, and traveling to court. The minimum standard of remuneration is indicated in Fees and Fines (Fee and Penalty Unit Value) Regulation 2015. For example, an attorney with less than five years of experience will be paid about US\$30 per hour, and at the state attorney level, about US\$90 per hour¹¹⁰.

In addition, there is a system called the Judicare system in which LAB supports legal aid services to lawyers for 4,000 ZMW (about US\$209) per case. However, due to LAB's budget constraints, the Judicare system has not been able to provide adequate services.

(3) Pro bono

The Law Association of Zambia's Strategic Plan 2013-2018 mentions pro bono, but does not include any specific rules. According to the Law Association of Zambia (LAZ), there is agreement that lawyers need to engage in pro bono at least once a year, but there is currently no record of who has handled which cases through which agency. Usually, CSOs make referrals directly or sometimes through the LAZ, but in reality, only a very limited number

¹⁰⁸ Based on interviews with TEVETA.

¹⁰⁹ Same as above

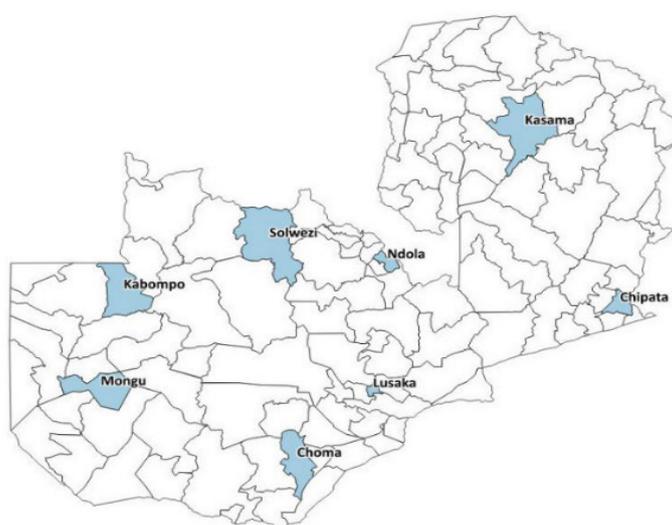
¹¹⁰ Fees and Fines (Fee and Penalty Unit Value) (Amendment) Regulations, 2015, Statutory Instrument No. 41 of 2015

of legal practitioners are doing pro bono work. The draft Pro bono guidelines are currently being prepared, and the LAB and LAZ are currently discussing how best to implement the guidelines in the future¹¹¹.

5.5 Social needs analysis for access to justice

5.5.1 Common disputes and means of resolutions

Zambia's population is concentrated in the central part of the country, including the capital, Lusaka, and the Copperbelt Province, with the western and eastern parts of the country being less densely populated. The country is composed of 73 ethnic groups, and although English is the official language, local languages are spoken by each ethnic group. In this survey, 2 urban cities (Lusaka and Ndola) and 5 rural areas (Kasama, Chipata, Choma, Mongu, Kabompo, and Solwezi) were selected for the survey considering the regional coverage.



Source: JICA Survey Team

Figure 5.4 Survey areas in Zambia

Table 5-3 Overview of the survey areas in Zambia

Area	Name	Overview
Urban	Lusaka	It is the capital of Zambia and is located in Lusaka Province. The province has a population of about 2.73 million, and is home to the Bemba, Tonga, Chewa, and Nsenga ethnic groups, with the Bemba language being the most widely spoken after Nyaja.
	Ndola	The capital of the Copperbelt Province. The population of the province is about 590,000.
Rural	Solwezi	Located in the Northwestern Province. The population of the province is about 320,000. Low population density. There are many Kaonde, Lunda, and Luvale tribes that originated in the Congo.
	Kabompo	Located in the Northwestern Province. The population of the province is about 120,000. Low population density.
	Mongu	Located in the Western Province. The population of the province is about 200,000. Low population density. A high percentage of the rural population. Many Lozi people originate from South Africa, and the Lozi language is used.
	Choma	The province is located in the southern part of the country. The population of the province is about 300,000, with a large Tonga population and the Lozi language being spoken.
	Chipata	Located in the Eastern Province. The population of the province is about 570,000. Trade center. A high percentage of the rural population. The Chewa language is widely used by the Chewa, Nsenga, Ngoni, and Tumbuka peoples.
	Kasama	Located in the Northern Province. The population is about 310,000. The Bemba language is spoken.

Source: Population is from Central Bureau of Statistics (2020 estimate); Ethnicity and languages are from Census Report 2010.

¹¹¹ Based on an interview with the Law Society of Zambia.

(1) Common disputes

In urban areas, common disputes are related to land rights and boundaries, matrimonial disputes, employment-related problems, and drug abuse and wage problems is also on the rise. In rural areas, land inheritance, matrimonial and early marriage, theft, and witchcraft are more common disputes¹¹². Regional differences are more relevant in terms of the physical distance to courts and police and the shortage of legal service providers in rural areas rather than differences in the types of disputes. In the west, traditional culture is emphasized and the traditional justice system seems to be stronger than in other regions¹¹³.

Table 5-4 Main conflict issues

Urban	Rural
<ul style="list-style-type: none"> ● Land issues (land rights and boundaries) ● Matrimonial disputes ● Drug abuse ● Wage issues (Industrial Court) 	<ul style="list-style-type: none"> ● Matrimonial disputes and infidelity ● Land issues (land inheritance, land boundaries, livestock grazing) ● Succession of chieftaincy ● Theft (livestock theft) ● Early marriage ● GBV ● Drug abuse ● Witchcraft ● Tribal issues

Source: Survey Team based on interviews

(2) Common disputes among vulnerable groups

There is no definition of vulnerable groups in Zambia, the following are considered vulnerable: children, women, the elderly, the disabled, and albinos.

Conflict issues related to women and children in rural areas are often issues related to GBV, discriminatory practices against women, child abuse, and land and property inheritance. There were comments that it is difficult to consult in the informal system, particularly in cases related to privacy such as GBV. At the same time, even when GBV issues are brought to the formal system, there are many cases where the perpetrators do not testify so that the case does not go to trial. CSOs are intervening and providing support for these events where there are challenges in accessing justice. As for issues related to children, it was pointed out that there is no cell for juveniles at police stations, and that juveniles are treated the same as felony offenders¹¹⁴.

According to the Zambia Agency for Persons with Disabilities (ZAPD), the issues of people with disabilities in urban areas include unfair dismissal and divorce due to the birth of a disabled person.

5.5.2 Public perception towards the judicial system

According to a survey by Afrobarometer, there is a high risk of corruption in the Zambian judiciary and 30% of the public feels that judges are corrupt. In addition, it is said that the judiciary lacks independence, and many prosecutions and court decisions are perceived to be politically motivated.

¹¹² Based on interviews with village heads and villagers in the surveyed areas.

¹¹³ Based on an interview with a legal aid officer at the Ministry of Justice.

¹¹⁴ Based on interviews with villagers and local judicial administration officials in the study area.

Through the interviews in this survey, the decision of choosing the informal system is because formal justice is expensive, the distance is far, and the process is time-consuming. Concerns were also raised that informal justice has issues of bribery and corruption and that the basis for dispute resolution is often based on values of the authority, and there are issues of impartiality and inconsistency of the judgment depending on the chiefs. For those reasons, respondents indicated that they would choose the formal system if there is a local court nearby.

5.6 Policies and institutions for access to justice

5.6.1 National policies on access to justice

(1) National policy

In the Seventh National Development Plan (2017-2021), the aspect of access to justice is listed as one of the strategies. It describes strengthening the prosecution system, improving access to justice, and promoting human rights, as follows.

- Strengthening the prosecution system: assigning prosecutors from the National Prosecuting Authority to relevant agencies; operating an e-case flow management system; developing the capacity of prosecutors.
- Improving access to justice: reducing backlogs by strengthening the capacity of justice-related institutions, easing overcapacity in prisons, reviewing legal aid policies to define the role of CSOs, establishing high courts in the region, and raising awareness among vulnerable groups, including women.
- Promotion of human rights: education and awareness-raising activities on the Bill of Rights, strengthening of the parole system.

In 2018, the National Legal Aid Policy was formulated to establish a framework for the provision, coordination, regulation, and monitoring of legal aid services. To provide legal aid services to vulnerable groups efficiently and effectively, the policy includes the following measures:

- Recognizing the role of CSOs and university legal clinics in service delivery;
- Establish a framework to guarantee the quality of services by defining the roles of paralegals according to their qualification levels;
- Strengthening of legal desks at CSOs, courts, correctional facilities, and police stations, and reinforcement pro bono schemes and legal clinic activities at universities; and
- Establish a legal aid fund to ensure that adequate financial resources are allocated.

(2) Legal Aid Act

The amended Legal Aid Act of 2021 formally recognizes the role of paralegals in the justice system and also allows CSOs and university legal clinics to provide legal aid. It stipulates that certified paralegals must register with the Legal Aid Bureau (LAB), and that registration must be renewed annually. LAB is also required to supervise the work of paralegals, and a Code of Conduct for paralegals is currently being developed. The Act also stipulates that police officers, prison guards, and other law enforcement officers must inform suspects or

defendants about their right to apply for legal aid, and provide assistance in applying for legal aid before interrogation.

Table 5-5 Qualifications and scope of work for legal assistants, paralegals, CSOs, and universities

	Legal Assistance	Paralegal	CSOs and universities
Registration and Qualifications	Must be registered with the Director of the Legal Aid Board Bachelor of Law and similar qualifications	Must be registered with the Director of the Legal Aid Board	Must be registered with the Director of the Legal Aid Board Accredited by the Zambia Qualifications Authority
Scope of work	Legal support other than legal representation and arbitration	The scope of legal aid granted by the Legal Aid Board Supervision by a legal practitioner or a person approved by the Legal Aid Bureau is required.	Same as on the left.

Source: Legal Aid Act 2021.

5.6.2 Institutions and jurisdiction on access to justice

The Ministry of Justice (MOJ) has jurisdiction over access to justice, and the Legal Aid Board (LAB), which became an independent statutory body in 2015, provides legal aid. LAB's role is to represent lawyers for legal aid recipients, administer the Legal Aid Fund, and advise on policies regarding the provision of legal aid. Legal aid covers both criminal and civil cases and includes ADR support. LAB currently has 12 offices across the country, with at least one in each province, and as of April 2018, there are 27 legal practitioners and 5 legal aid assistants.

The Victim Support Unit (VSU) has been established in the Zambia Police Service under the Ministry of Home Affairs and is mandated to investigate cases involving spouses, women, children, and the elderly. It also provides counseling to both victims and perpetrators of GBV and other crimes and conducts awareness-raising activities to raise community awareness on the prevention of GBV crimes.

Other relevant institutions include the Judicial Complaints Commission, the Zambia Law Development Commission, the Human Rights Commission, the National Prosecution Authority, and the Department of Social Welfare.

5.6.3 Legal aid system and service

(1) Eligibility for legal aid

The Legal Aid Act stipulates the beneficiaries of legal aid are as follows. However, it is up to the Director of LAB to decide whether the beneficiary can receive free support, and it was reported that the applicants sometimes give up because this decision-making process takes time¹¹⁵.

- Applicants do not have adequate means to pay for legal services; and
- Considering the circumstances of the case, it is justice that the applicant should be provided with legal assistance.

¹¹⁵ Based on an interview with the Director of the Paralegal Alliance Network.

The beneficiaries of legal aid are entitled to the following assistance. It is also stated the civil litigation will be provided only if the Director-General of the Legal Aid Board deems it appropriate, which suggests that the emphasis is on criminal litigation.

- Criminal Procedure in the Lower Courts
- Civil litigation in the Lower Courts and the Land Courts
- Procedures with judges and judicial clerks in the High Court
- ADR procedures other than arbitration

(2) Budget for legal aid

The budget of the Legal Aid Board (LAB) is determined annually by the parliament. In 2017, the total budget was approximately US\$ 2.2 million. The breakdown is the general budget (including operating expenses) was around US\$ 2.0 million, of which the legal aid budget (including legal representation expenses) was approximately US\$ 0.2 million. The budget was increased 5.0% over the previous year, however, the amount is very small which is equivalent to US\$ 0.13 per capita¹¹⁶.

(3) Status of legal aid provision, types of providers, and users

1) Legal Aid Board (LAB)

Zambia consists of 10 provinces and 116 provinces, but currently, LAB is based in only 10 provincial capitals and 2 districts. The LAB has 40 lawyers, 8 of whom work at HQ. There is a total of 174 positions including lawyers, legal assistants, and support staff, but only 112 are employed. With a population of over 18 million people, each LAB legal practitioner needs to cover 450,000 people. In some provinces, there are more than 1 million people per LAB legal practitioner.

According to the Legal Aid Report, in 2020, there were 8,756 applications, of which about 60% were provided with legal aid, and the rest were provided with only legal information and advice. The majority of beneficiaries of legal aid are male. Male beneficiaries consists of 92% of criminal cases and 73% of civil cases. Out of 3,846 criminal cases, legal aid services were granted to 68 boys and 58 girls.

Table 5-6 Status of legal aid applications and service provision

Item	Number of applications	Provision of legal aid		Legal information and advice only.
		Male	Female	
Criminal cases	8,756	3,528	318	3,439
Civil cases		1,078	393	

Source: Legal Aid Annual Report 2020

The 2018 report of the Parliamentary Committee indicated that legal aid is generally effective in higher courts such as the Supreme Court, the Court of Appeal, and the High Court. However, the lower courts in particular have not been able to meet the demand for legal aid due to understaffing. In addition, criminal cases tend to be prioritized, and legal aid for civil cases is scarce¹¹⁷.

¹¹⁶ National Report - Zambia, ILAG Conference 2017

¹¹⁷ Committee on Legal Affairs, Human Rights National Guidance, Gender matters and Governance for the Third session of the 12th National Assembly, 2019 [url](#)

Generally, a fee of ZMK50 (about US\$ 2.5) is charged for legal aid consultations, and ZMK450 and ZMK550 (about US\$ 25-30) for civil and criminal cases, respectively¹¹⁸. However, if the applicant is determined to be unable to pay due to poverty, both the consultation fee and the cost of litigation may be waived¹¹⁹.

2) Paralegals

Paralegals assist in the judicial process, provide legal advice and mediation in the formal system, and provide legal assistance in the informal system. Currently, with the support of donors, paralegal desks have been set up in police, prisons, and the Magistrates' Court, and they are functioning as a contact point for the general public. In addition, a paralegal registered with LAB can act as a lawyer in the Magistrates' Court under the supervision of LAB for minor offenses such as petty theft.

3) Civil Society Organizations (CSOs)

In Zambia, CSOs also provide legal aid to the poor and vulnerable groups. CSOs primarily utilize paralegals, and their services range from providing legal education, legal information, and advice in communities and at correctional facilities, and also the mediation. Many deals with property issues, land issues, GBV, women and children's rights, etc. Representative NGOs are as follows.

- The Paralegal Alliance Network (PAN): An umbrella organization that provides coordination and services for NGOs that work with paralegals to provide assistance. It is accredited by TEVETA as a paralegal training organization and monitors the training and performance of paralegals of member NGOs.
- Legal Resource Foundation (LRF): A human rights NGO that also provides free legal aid and conducts awareness-raising activities on human rights. Since the Legal Aid Board (LAB) tends to focus on criminal cases, the LRF assists in areas where LAB cannot reach, such as illegal detention, civil matters including divorce and estates, and refugees and squatters. LRF is one of the few NGOs that have lawyers who can defend in court and they handle about 5,000 cases a year. It also publishes a regular newsletter and conducts educational activities via radio.
- National Legal Aid Clinic for Women (NLACW): An NGO that aims to protect the human rights of women and children, started as an activity of the Women's Rights Committee, one of the committees of the Law Society of Zambia. It has three offices nationwide with a staff of about 60. It provides free legal aid, counseling, awareness-raising activities, and advocacy. It provides training to paralegals and places paralegals in village-level One-Stop Centers (OSCs) and hospital-based OSCs to provide counseling and referrals to relevant institutions. Training is also being provided to district courts and chiefs¹²⁰.
- Prisoners' Future Foundation (PFF): An NGO that advocates for prisoners, protects human rights, and improves prison conditions; has participated in EU/GIZ programs since 2014. It has 10 paralegals of levels 1 and 2 at paralegal desks in prisons and police stations. Through the paralegals, they share legal

¹¹⁸ Committee on Legal Affairs, Human Rights National Guidance, Gender matters and Governance for the Third session of the 12th National Assembly, 2019 [url](#)

¹¹⁹ Legal Aid Act 2021

¹²⁰ Based on a hearing with the NLACW Director.

information, provide legal education, legal support, and assist with representation. Specifically, this includes the preparation of appeal documents, parole, and follow-up on court cases and delays.

(4) Measures to improve the quality of access to justice

As mentioned earlier, a unified national paralegal training and certification system has been established at the government training agency (TEVETA). The system includes the accreditation of paralegal training institutions and certification of paralegals trained by these institutions. At the same time as promoting the coverage of legal aid services, there is a need for a mechanism to improve the quality of those services. With the implementation of the new legal aid law, the Legal Aid Bureau (LAB) will be responsible for managing and supervising these non-lawyer paralegals, therefore there are needs to be a system to monitor and evaluate the quality of paralegals. The LAB expressed the view that the future challenge is to develop a system that enables the LAB to monitor and renew accreditation efficiently with limited human resources and budget.

5.6.4 Call center operation

(1) Ministry of Justice

There are no call centers or other facilities in the Ministry of Justice (MOJ).

(2) Outside the Ministry of Justice

Some government agencies have introduced toll-free numbers, including the Police Department (991), the Human Rights Commission (8181), the Anti-Corruption Commission (5980), and the Ministry of Health (909). In addition to phone calls, some agencies respond to inquiries through SMS, WhatsApp, and Facebook, but there is no system integration.

The Legal Aid Bureau (LAB) surveyed in 2021 to review existing toll-free and call center operations in Zambia to consider possible introduction in the LAB. As a result, a proposal was made to start with a four-person team by renting the customer service platform of the call center services from a telecommunication service provider (ZAMTEL). This system is similar to the Lifeline Childline model explained below, which can handle inquiries from IVR, SMS, WhatsApp, Facebook, and email. The initial investment for the system is estimated to be around 96,000 ZMW (about US\$50,000), and the operating cost is approximately 54,000 ZMW/month (about US\$2,800/month). However, the introduction of the system has been postponed due to budget and sustainability issues.

(3) NGOs

In Zambia, a call center specializing in children and GBV issues was established in 2003 with the initiative of the government and is currently managed by Lifeline Childline Zambia, an NGO. The call center has two toll-free numbers, "116" for children and "933" for GBV issues, and is operated 24 hours a day by six people in three shifts. The staff members have degrees in sociology, psychology, and development studies. Volunteers are also accepted on demand, and the staff provides training and guidance to the volunteers.

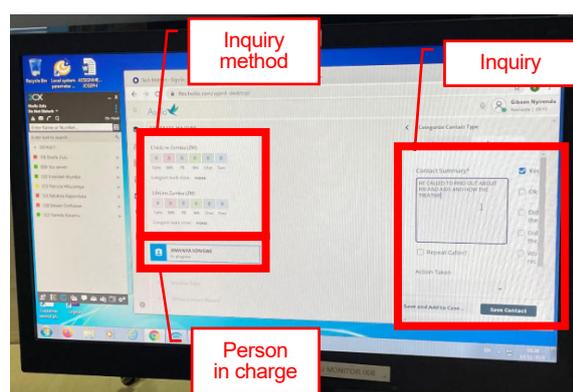
The number of calls received is 45,000/month, of which 12,000 are child-related, 7,000 are GBV-related, and the rest are other inquiries. Many of the child-related issues come from the children themselves. As for GBV, 75% of the inquiries are from women and 25% from men.

The services provided by the call center are counseling and referral to the appropriate agency. Since it is difficult for the caller to contact the agency simply by giving the name of the agency, the name and number of a reliable person in charge are given, and follow-up is also conducted to see how the case was handled by the person in charge. However, the call center staff commented that even if the case is connected to the court, there are cases where the problem is muddled within the family or relatives and the case is eventually withdrawn, but there is nothing that can be done about that, so he recognizes that this is a limitation of the call center.

People can access the call center system by telephone, SMS, Facebook, WhatsApp, Auto Chat, Twitter, and Website. Currently, the highest number of calls received is 90% by phone and about 10% each by Facebook and WhatsApp. This integrated system is from Aselo Systems, a US-based Tech motors, and costs about 200,000 USD. The operating cost of the call center is about 5 million ZMW/year (about US\$288,000/year) in labor costs. The government bears the cost of toll-free communication fee, and NGOs bear the cost of system installation and operation (labor, communication, software update, etc.). These costs are funded by the NGOs with project funding from donors and other agencies.



Call Center



Response screen of the person in charge

5.7 Infrastructure supporting access to justice and public relations

5.7.1 Communication infrastructure

The internet penetration rate in 2019 is 14.3%. The national average penetration rate for the smartphone as of 2015 was 13.5%, and there is a huge difference between urban areas and rural areas which are 18.4% and 6.5%, respectively¹²¹.

¹²¹ Statista

5.7.2 Education system

(1) Primary and secondary education

In primary education, governance subjects include democracy, constitutional law, human rights, etc. In grades 1-4, the focus is mainly on the state and civic duties; in grade 5, gender and human rights violations are added, and in grade 7, students are taught about the separation of powers and the Constitution, laws protecting women and children's rights, and the role of government agencies.

For secondary education, civics education was introduced in 2003. The curriculum for grades 10-12 includes subjects on constitutional law, human rights, and the judicial system, as well as social issues such as child rights, gender equality, poverty in Zambia, HIV/IDS, drug abuse, environmental issues, and civil society and media¹²².

(2) Higher education

Taking the University of Zambia's law program as an example, the first year starts with the school of humanities. The courses recommended for aspiring lawyers are at the introductory level in English, linguistics, history, psychology, sociology, and philosophy in the first year. Law students learn the basics in their second year and then divide into public and private law courses in their third and fourth years.

Table 5-7 Curriculum of law courses in University of Zambia

Second-year	Third-year	Fourth-year
<p><u>Compulsory</u></p> <ul style="list-style-type: none"> ● Legal Process & Legal Writing ● Law of Contract ● Law of Torts ● Criminal Law ● Constitutional Law ● Administrative Law 	<p><u>Compulsory</u></p> <ul style="list-style-type: none"> ● Law of Evidence ● Land Law and Property Relations ● Commercial Law ● Family Law and Succession ● Civil and Criminal Procedure ● Human Rights <p><u>Department of Public Law</u></p> <ul style="list-style-type: none"> ● Gender law ● Media Law ● Customary law <p><u>Department of Private Law</u></p> <ul style="list-style-type: none"> ● Employment Law ● Medical Law ● Competition Law 	<p><u>Compulsory</u></p> <ul style="list-style-type: none"> ● Directed Research ● Jurisprudence ● Business and Corporate Law <p><u>Department of Public Law</u></p> <ul style="list-style-type: none"> ● International Law ● International Trade Law ● Investment Law ● Environmental Laws ● International Humanitarian law ● Refugee law ● Clinical Legal Education ● Taxation ● Disability Law <p><u>Department of Private Law</u></p> <ul style="list-style-type: none"> ● Conflict of Law ● Alternative Dispute Resolution ● Intellectual Property ● International Commercial Arbitration ● Mining Law

Source: University of Zambia

The Zambia Institute of Advanced Legal Education (ZIALE) is an institution that provides practical legal training to practice in the court after the completion of the law department of the university. To be eligible for admission to this course, students must have a law degree from an accredited university. After taking the 18-month course in

¹²² Center for Curriculum Development, 2003.

ZIALE, the students are qualified to take the Legal Practitioner Qualifying Examination (LPQE) to become legal practitioners.

ZIALE is also recognized as a national training center for human rights education and has become a prestigious institute in the field of advanced legal research and legislative drafting that trains not only domestic students but also students from outside the country and other Southern African Development Community (SADC) regions.

Table 5-8 Course content of the Institute of Higher Legal Education

<ul style="list-style-type: none"> ● Professional Conduct and Ethics ● Bookkeeping and Accounting ● Real estate transfer and legal documentation ● Probate and Succession ● Business transaction ● Company Law and Procedures 	<ul style="list-style-type: none"> ● Superior Court Procedures ● Civil litigation in lower courts ● Domestic Relations ● Criminal procedure ● Evidence and Practice ● Trial Advocacy and Legal Writing
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Source: ZIALE

(3) Adult Education

The above-mentioned ZIALE also provides a variety of training to public institutions and their staff. The content of the training includes leadership, conflict resolution planning, time management, communication, monitoring, etc., and is aimed at improving organizational capacity through relevant skill development.

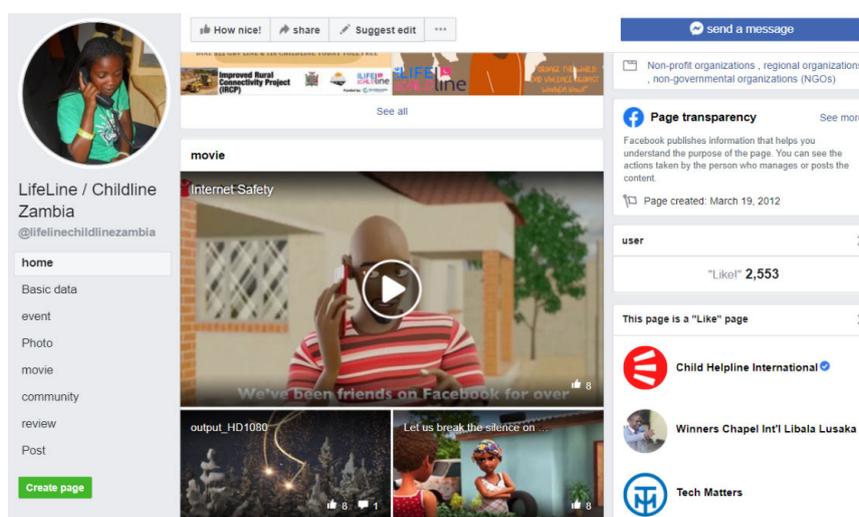
5.7.3 Public relation tools

(1) Home Page

Ministry of Justice (MOJ) and other related agencies have websites that provide information on their roles and responsibilities, and some have links to Facebook and other sites on their websites. Many agencies have linked their websites to social media such as Facebook and Twitter.

(2) Social media

Facebook and Twitter are also being used, mainly for information dissemination. Lifeline Childline Zambia, mentioned above, is providing information and raising awareness on GBV through a video using Facebook.



Animated video on GBV on Facebook

(3) Traditional Media

CSOs are using TV and radio to communicate with the public. For example, the National Legal Aid Clinic for Women (NLACW), with support from Sweden, uses TV and radio to deliver panel discussions on specific legal topics such as divorce, custody, rape, etc.

5.8 Introduction of ICT in the judicial system

5.8.1 Polices of ICT introduction in the legal system

In Zambia, the Smart Zambia Institute, an e-Governance institution formed by the Ministry of Finance and reporting directly to the Office of the President, is promoting digitization. The Zambia e-Government Master Plan developed in 2017 articulates efforts to improve the efficiency and quality of services and ensure transparency through the use of ICT in delivering government services. The judiciary sector is also covered in the plan, and the judiciary's development strategy includes the use of ICT to improve the efficiency of service delivery.

5.8.2 Current situation of ICT adoption

(1) e-filing & e-management

With the support of the Investment Climate Facility for Africa (ICF), an Electronic Record Management System was introduced in 2017. As of 2019, a total of 18 courts from Supreme Courts to Subordinate courts in Lusaka, Kitwe, and Ndola are digitizing the court case records. In addition, to increase transparency and boost public confidence, the Judiciary has embarked on a program aimed at equipping courtrooms with state-of-the-art equipment. Currently, 13 courtrooms in Lusaka, Kitwe, and Ndola are equipped with Computers, projectors, audio recorders, and other equipment¹²³.

The Judiciary has also signed MOUs with the National Judicial Council of Nigeria, the National Judiciaries of the Caribbean Region, and the National Centre for State Courts of the United States of America, to implement an Automated Case Management System in 2019. The implementation of the system is expected to streamline procedures and lead to electronic filing, fee collection, records management, and tracking of case progress in the future¹²⁴.

In addition to the courts, LAB and NPA also have e-case management systems in place. These systems are mainly used to store the cases in each agency and are available for review by lawyers and staff within the agencies.

The Smart Zambia Institute, which is in charge of e-government, and the Ministry of Justice (MOJ) are considering the introduction of an e-case flow management system that will link five main criminal justice agencies (Police – National Prosecution Authority - Courts - Legal Aid Board - Prisons). According to the interview with the MOJ, the current paper-based procedures have the issue of missing case files, difficulty of coordinating and tracking the progress of referred cases, and ensuring transparency, and they hope to solve these problems by using electronic systems. The current e-case management systems will be reviewed in January 2022, with the idea of linking the

¹²³ Ministry of Justice Zambia, Computerization Project, [url](#) (access date: July 21, 2021)

¹²⁴ The Judiciary Annual Report 2019

individual systems of each institution. The concept itself has been in the works for several years but has not yet been realized due to budgetary issues.

(2) e-court

According to the magistrate court judge, to implement e-court, the law needs to be amended, so it is not yet practiced at this time. First, it needs to be mentioned in policy and law. IT infrastructure also needs to be developed. The use of Zoom conferencing for the training of judges is being implemented.

5.9 Donor funded activities

The main donors working in the area of access to justice are the EU, GIZ, and UNDP. In particular, the PLEED project and the continuing EnACT project implemented by the EU and GIZ have provided comprehensive support in this area.

(1) EU, GIZ

- Project Name: Programme for Legal Empowerment and Enhanced Justice Delivery (PLEED)
- Period: 2015-2021
- Budget: 8.5 million euros from EU
- Donors: EU and German government funds
- Implementing Agency: GIZ and DIHR
- Activities:
 - The program includes 1) improving legal access by setting paralegal desks in collaboration with civil society organizations; 2) standardization of paralegal training system; 3) legal and policy support and 4) legal coordination with stakeholders.
 - Concerning 1), paralegals were placed in police stations, correctional facilities, and subordinate courts to provide legal information and to strengthen the functioning of the referral system. The program was deployed in three provinces in the central and southern regions (Lusaka, Copperbelt, and Livingstone). The support was also provided to Lifeline Childline Zambia (call center) in the program.
 - Activity 2) and 3) involve developing a framework to allow paralegals and NGOs to officially play a role in dispute resolution. For activity 2), the program supported TEVETA to unify and standardize paralegal training content, and for activity 3), it supported the preparation of the Legal Aid Policy (2018) and the Legal Aid Law (2021) to formally recognize them.
- Project Title: Enabling Access to Justice Civil Society Participation and Transparency (EnACT)
- Period: 2021-2026
- Budget: Similar budget as PLEED from EU
- Donors: EU and German government funds
- Organization: GIZ
- Activities:

- To sustain the positive impacts from the PLEED project described above, the EnACT will continue to provide support on the following themes: 1) paralegal support, 2) legal and organizational reform, 3) coordination among stakeholders, and 4) ICT.
- In Activity 1), the project plans to strengthen the fundraising capacity of CSOs to sustain the paralegal desk that had been established on a pilot basis. In addition, EnACT will establish a community paralegal desk to improve access to justice for women and children, as there were few women and children among the beneficiaries in PLEED. The project will also be expanded in the northern part of the country (Mpeka).
- Activity 2) will involve organizational changes to build up the admin division of the LAB, especially since the LAB needs to be strengthened to enforce the LAA. It will also support operationalizing pro bono guidelines, support paralegal conduct guidelines, and parole guidelines.
- Activity 3) will also involve the Anti-Corruption Commission (ACC) to enhance the transparency of the existing CCCI and strengthen its functions. The intention is to use this CCCI to provide services and engage with citizens.
- For activity 4), the program plans to continue supporting the operation of the E-case management system of the LAB.

(2) UNDP

- Project Title: Joint Programme on Gender-Based Violence Phase II
- Duration: 2019-2022
- Budget: \$6.7 million
- Donors: Main sources of funding are Sweden and Ireland
- Implementing Agency: UNDP
- Activities:
 - This program is focused on GBV and its outcomes are 1) prevention of GBV and response to victims and 2) community empowerment.
 - Specific activities will include the establishment of a village-level GBV One-Stop Center (OSC) to conduct awareness-raising activities and referrals to other agencies regarding GBV, and to improve access to justice for GBV victims by strengthening legal aid services and GBV courts in collaboration with NLACW. In addition, the program will include training for village heads to promote awareness of gender and cultural norms through a transformative approach and strengthening collaboration with the Victim Support Unit (VSU), Child Protection Unit, and Police Prosecutor.
- Project Title: Promotion of Human Rights and Access to Justice Project
- Duration: 2019-2021
- Donors: Main sources of funding are Sweden and Ireland
- Implementing Agency: UNDP
- Activities:
 - The project includes 1) a legal framework for human rights; 2) strengthening of relevant institutions; 3) awareness-raising activities and 4) strengthening of government compliance. At the moment, the

Conflict Management Committee is the counterpart because the project aims to protect human rights related to elections. However, in the future, the counterpart will be changed from the Conflict Management Committee to the Human Rights Commission because the activities will be more focused on human rights.

- Activity 2) strengthening of relevant institutions targets the Judiciary, the Zambia Police Service, and the Human Rights Commission (HRC). In particular, support to the Police Service focus on the issue of GBV and conflict resolution systems, training of female police officers, and strengthening of the Victim Support Unit (VSU), through which counseling and awareness-raising activities are conducted.
- As an activity that seems to be strongly related to the ICT component of this survey, the project is planning to develop an online platform for early detection and response to human rights violations. It is envisioned that the monitors in the field will be able to report by cell phone or make a phone call (using a toll-free number), and compile as the data.
- In addition, the Judiciary has requested the introduction of a case management system. In particular, the GBV courts have requested technical improvements in terms of privacy protection, but specific details of support are still under consideration.

(3) DIHR

- Project name: Community Justice Project
- Period: 2011-15
- Donor: Denmark
- Implementing Agency: DIHR
- Activities:
 - The content of the project is to provide training for the local courts (formal system) and the traditional tribunal system (informal system), to clarify the differences between the systems and the scope of their work, and to promote cooperation through the use of paralegals. The pilot project targets the southern regions, Choma and Chipata districts.
 - Local courts are established in each chiefdom and play a certain role in the community. For example, in the case of patrilineal system, daughters and wives after divorce cannot inherit property, but in the local court (common law) they can. The results showed that capacity building for local court judges, chiefs and paralegals is effective in improving access to justice in the community.

5.10 Challenges of access to justice in the country

Challenges to access to the justice system include delays in the process, lack of human resources and budget, regional disparities, gender issues, knowledge level, and an underdeveloped ICT environment.

- **Process delay**

The court process is time-consuming and the lawyers are charged for the follow-ups and the time they spend traveling between the court and their offices, resulting in higher legal fees. The court process needs to be streamlined by introducing an electronic registration system for prosecution.

- **Insufficient human resources and budget**

Due to the lack of budget and human resources for legal aid, the provision of legal aid is very limited, especially in the lower courts. Police budgets are also inadequate so they have insufficient personnel and transportation fees, requiring the complainants to pay for the investigation of cases brought to them.

- **Regional disparity**

Legal practitioners are concentrated in the capital city, Lusaka, and other major cities (Kitwe, Ndola, etc.). Recruitment in rural areas is very difficult as the living and operating environment is not favorable and the LAB faces high staff turnover. Facilities such as courtrooms and judge's chambers in local courts are also inadequate. In some areas, the nearest police station or court is 100 km away.

- **Gender issues**

A comment was made that it is difficult to discuss cases involving privacy such as GBV in the informal system. However, even when GBV issues are brought to the formal system, there are many cases where the victims or witnesses do not testify and the case does not go to trial. The call center and OSCs that support GBV are provided, and through these, there is a need to further strengthen the training and awareness-raising activities of relevant organizations.

- **Lack of knowledge and understanding of the law**

There is a lack of dissemination of information about the law and the legal aid system and a lack of knowledge about the institutions and means to seek assistance when faced with legal problems. In addition, many suspects and prisoners are unable to assert their rights because they are not informed of their rights by the legal aid service providers, i.e., prosecutors' offices, prisons, and police officials (the Legal Aid Amendment Act of 2021 clearly states that they should be informed of their rights and assisted in applying for legal aid).

- **Inadequate ICT environment**

Although e-case management systems are being introduced in courts and judiciary-related institutions, there is still a lack of ICT equipment in rural areas, and the communication environment is not fully developed. In addition, IT training and human resource development are also required for the introduction of ICTs, as IT literacy is generally low.

- **Sustainability**

The government budget for judicial access is extremely small. With donor support, efforts are being made to strengthen services of judicial access-related organizations and expand services utilizing paralegals, but there is still no prospect of securing funds for each organization to continue the efforts by themselves. The possibility of establishing a basket fund to secure funds in this field is being considered under the initiative of donors.

5.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegals

In Zambia, paralegals are officially recognized as legal aid providers by the legal aid policy and the law. Based on this, a training and accreditation system for paralegals has been established, and accreditation of paralegal training institutions has started and paralegal registration is starting soon. At the moment, there is no system in place for monitoring certified paralegals or evaluating the quality of their services, so there is room for JICA's support to establish a system in cooperation with the Legal Aid Bureau (LAB) and educational institutions (TEVETA).

The access points to justice for communities in Zambia are the local courts, whose law is based on the common law, and the chiefs, whose law is based on customary law, as well as paralegals for legal information and mediation. However, there is a problem of poor coordination, such as local judges not fully understanding customary law, and chiefs not fully trusting the local court judges. The DIHR, which has assisted in the past, expressed interest in cooperating with JICA in providing training to those parties and supporting the strengthening of the coordination mechanism.

(2) ICT

A call center for GBV victims and children, which is in operation for almost 20 years, has accumulated know-how on how to respond to the cases and how to provide counseling. It would be beneficial to share their experiences and Q&As with other GBV supporting organizations to strengthen their capacity. At the same time, since there is not enough follow-up system in the current call center system, so creating a mechanism for collaboration and feedback with the referring organizations will strengthen the function and impact of the call center support. Furthermore, having a system that can receive inquiries from multiple channels such as SMS, WhatsApp, and Facebook, would be meaningful to support sharing the system and operational experiences with other countries as a GBV call center model.

Donors are working with NGOs to set up paralegal desks in police, prisons, and magistrate courts to provide legal information and refer cases to the relevant agencies. As a tool for paralegals to connect with lawyers for cases that require representation, there is a possibility that the JusticeHub App could be localized and used based on the Rwandan case.

In addition, criminal justice agencies are currently implementing their e-case management systems, but the Ministry of Justice and the Smart Zambia Institutions are planning to develop a cross-agency e-case flow management system. While they have a plan to refer to Rwanda's IECMS (e-case flow management system), there is an opportunity to provide technical support to link individual systems in each justice institution.

(3) Mobile Legal Clinic

Currently, paralegal desks are set up in some police stations and prisons, but there is a need to provide information and legal advice on judicial matters on a travel basis in cases where they are not set up. The establishment of community desks in remote areas is also being piloted with donor support. Therefore, the provision of a vehicle

and support to expand the scope of awareness-raising activities and legal consultation services as a mobile legal clinic will be very beneficial.

(4) OSC

In Zambia, with the support of USAID, One-Stop Centers (OSCs) have been established in hospitals to support victims of GBV, providing counseling, treatment, and referrals to relevant agencies. In addition, Victim Support Units (VSUs) have been established at police stations to provide counseling and referrals to relevant agencies. However, at present, the contact with paralegals is limited. It is thought that comprehensive support can be provided by linking the hospital-based OSC with the police station-based VSU and paralegals, providing information on the judiciary and creating links with lawyers. In addition, using the OSCs as a base for training chiefs and educating the community on GBV case studies and how to deal with the issues will strengthen the functioning of the OSCs. The UNDP (Sweden and Ireland) is currently supporting hospital-based OSCs and village-level development in collaboration with an NGO (NLACW).

Chapter 6. Survey Findings from Malawi

6.1 Summary

(1) Surveyed area

Malawi consists of three Regions (Northern, Central, and Southern) and is divided into 28 Districts. The survey covered two urban areas, the capital city Lilongwe, and Blantyre, and four rural areas, Thyolo, Zomba, Salima, and Mzimba.

(2) Survey Summary

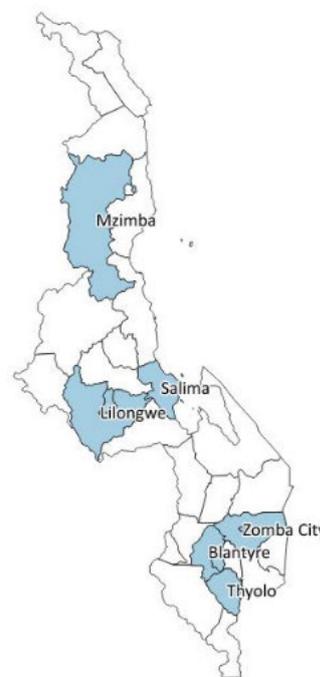
Formal Justice: Malawi follows the British legal system and practices common law. The court system consists of the Supreme Court of Appeal, the High courts, and the Subordinate courts. In addition, the Industrial Relations Court and the Child Justice Court are established, both of which use simplified procedures and allow non-lawyers to support in the court.

All civil matters brought before the High Court are subjected to mandatory mediation. However, as it forms part of the formal justice process, it is conducted by judges and lawyers. There are several ADR agencies such as the Administrator General's Office, the Labor Office, and the Ombudsman, however, the decision is subject to review by the High Court.

Informal Justice: At the village level, village heads, village mediators, religious leaders, and the police are the contact points for conflict resolution. In particular, village mediators are community volunteers trained by NGOs and donors, who function as the first contact for villagers and are responsible for resolving minor disputes. Currently, there are about 3,000 of them work in the country. On the other hand, criminal cases such as violence and GBV are referred to the police, and community police are also trained to report the cases to the police. In addition, NGOs sometimes intervene to support women and children in resolving conflict issues.

According to the result of the interviews, informal justice is considered to be less reliable because it is perceived that bribes and relationships with people in power can affect the decisions of village heads, especially in the case of land-related disputes. However, access to formal justice is limited due to its high cost, distance, and time-consuming nature, therefore the use of informal justice is the mainstream especially in rural areas.

Legal aid services: Legal Aid Bureau (LAB) has established regional offices in 13 districts, and there are plans to establish the offices in all districts in the future. At present, only about half of the applications can be handled due to a lack of budget and human resources in the district offices. It is necessary to examine how IT can improve the access to legal services, especially the issues of physical access.



Source: JICA Survey Team

Figure 6.1 Survey areas in Malawi

Use of ICT: With the support of donors, an electronic case management system has been introduced and online trials are being attempted. However, basic support such as procurement of necessary equipment, improvement of internet speed, and IT literacy is required. They are also facing challenges in securing the budget for operation costs including communication charges. In addition, toll-free numbers are introduced and cases are reported and consultation is provided through those calls, however, the main challenge again is financial sustainability.

Challenges in access to justice: Delays in the formal justice process and accessibility of judicial services in the rural area as well as issues of corruption and lack of enforcement in informal justice were raised as the major challenges. It was also pointed out that although several organizations serve as contact points for access to justice and channels between informal justice and formal justice have been created, the coverage is still limited due to budget constraints and a shortage of human resources. At the same time, capacity development of justice service providers including paralegals and related organizations is also required. In addition, GBV and child marriage are social issues, and efforts are being made to raise awareness about the concept of human rights protection and to create a mechanism for cooperation with the Social Welfare Department and the police.

6.2 Governance and Judicial Sector

6.2.1 Judicial system

Malawi follows the British legal system and practices common law. The legal system comprises the Constitution, which ranks as the country's highest law, legislation, common law, customary law, and international law. Legislation can be classified into penal, regulatory, financial, fiscal, and social legislation. Customary law is recognized as the source of law for a country but its content varies from region to region. Religious law, except for religious marriage, is not recognized as a source of national law¹²⁵.

6.2.2 Organizational Structure

The organizational chart of the Ministry of Justice and Constitutional Affairs (MOJ) is not available. However, it consists of several divisions including the Solicitor General, the Attorney General, and the Directorate of Public Prosecutions, the Registrar General, and the Administrator-General¹²⁶.

6.3 System of formal and informal justice

6.3.1 Court system

Malawi's court system consists of the following three levels.

- The Malawi Supreme Court of Appeal
- The High Court of Malawi
- Subordinate Courts

The Supreme Court of Appeal is at the top of Malawi's court structure and it is located in Blantyre. There are four High Courts nationwide (Lilongwe, Blantyre, Zomba, Mzuzu) which have Civil, Commercial, Criminal, Family

¹²⁵ The Marriage, Divorce and Family Relations Act, 2015 ("Marriage Act"), makes allowance for religious marriages.

¹²⁶ MOJ HP, [url](#) (Accessed on 21 July 2021)

and Probate, and Revenue divisions. For homicide cases, there is a system in which the High Court goes around the districts as a mobile court.

The Subordinate Courts consist of the Magistrate Courts, Industrial Relations Courts, and Child Justice Courts. The Magistrate Courts are located in each district and classified into grades depending on the amount of the civil cases and the nature of the crime for criminal cases. Unlike the High Court, a quick settlement is encouraged in Industrial Relations Courts and Child Justice Courts so the documents for the proceedings are relatively simple and lawyers are not required in the court so non-lawyer can also provide support, if necessary.



The Magistrate court in Salima District



**People waiting to register at
Child Justice court in Salima District**

6.3.2 Alternative dispute resolution systems

(1) Mandatory mediation

Section 13 of the Constitution stipulates that efforts shall be made to resolve disputes peacefully through negotiation, mediation, and arbitration. Civil lawsuits brought to the High Court are in principle subject to mediation, which requires the involvement of a lawyer and a decision by a judge.

(2) Formal justice

Several government agencies offer alternative dispute resolution out of court. Some of the examples are explained below.

1) Administrator General (AG)

The Administrator General's Office within the Ministry of Justice and Constitutional Affairs (MOJ) administers the estate of the deceased. The means of resolving disputes is through mediation conducted by in-house lawyers, and decisions are made in meetings where the plaintiff and the defendant are present. The AG's Office provides legal advice but not legal representation, and if the parties cannot reach an agreement, the matter is referred to another agency. If the case is filed in the High Court, the Legal Aid Bureau (LAB) can be called upon to provide services¹²⁷. There is an issue of enforcement even if an agreement is reached as the office does not have the authority to enforce decisions.

¹²⁷ Interview with the Assistant Administrator General at the Office of Administrator General in Blantyre

2) Ombudsman

The Office of the Ombudsman is a constitutional institution established by Section 120 of the Constitution. It mainly deals with issues such as abuse of power by public authorities and negligence of public services. It deals with issues that cannot be brought to the court due to various reasons including lack of evidence or resources and has the power to request necessary documents from the concerned agencies for investigation. Concerning judicial matters, the main inquiries are about unreasonable responses and delays in procedures by police stations and courts. Disputes can be resolved through 1) independent investigation; 2) issuing a letter; 3) mediation, or 4) in the courts by the Ombudsman (public inquiry), but the Ombudsman's decisions are subject to review by the High Court. If the targeted organization or government officials do not comply with the decision, they are summoned to Parliament for action.

Depending on the nature of the case, referrals are made to the Anti-Corruption Bureau (ACB), the Malawi Human Rights Commission (MHRC), and the LAB. Approximately 1,500 cases are handled per year, and about 350 cases have been brought to court in the past five years¹²⁸.

3) The Labor Office

The Labor Office is under the umbrella of the Ministry of Labor, Youth, Sports, and Manpower Development whose mandate is to promote, protect and develop the labor force. The main issues handled by the office are unfair labor practices, unwilling termination of employment contracts, etc. brought by unskilled workers, especially informal sector workers and factory workers. The dispute resolution process confirms the legitimacy of the complaint and orders the employer to appear in the labor court. The office handles about 50 to 100 cases a month¹²⁹.

(3) Informal justice

1) District Commissioner (DC)

A local authority in Malawi is governed by the District Commissioner (DC). The DC is primarily responsible for identifying, planning, and implementing development projects, but also has the authority to resolve disputes under the Local Government Act. The main disputes dealt with by the DC are related to employment and promotion of government staff. But the DC also handles disputes that could not be resolved at the village level by mediation and referring to other agencies. Civil cases brought to DC include land issues and chieftaincy, and criminal cases involve GBV and offenses against children. In the case of criminal issues, social welfare officers in DC provides counseling to the victims and also make referrals to hospitals, police stations, and courts.

2) Traditional Authority (TA)

At the village level, the authority plays a role in dispute resolution under the Chiefs Act. The issues are first submitted to the Village Head, where hearings and decisions are made. If the dispute is not resolved, it can be appealed to the Group Village Head, and if it is still unresolved, it will be brought to the Sub-Traditional Authority and then to the Traditional Authority. The final dispute resolution body is the Chief's council. The members of the

¹²⁸ Interview with the Deputy Director of the Ombudsman office

¹²⁹ Interview with the Labour office in Blantyre

Chief's council are drawn from either chief of lower grades such as village heads, group village heads, or elders in the community who are normally regarded to be people of good standing in the community. This kind of traditional tribunal system is not documented in detail but similar systems are in operation nationwide. The main disputes handled in this traditional tribunal system are civil cases, and issues including criminal elements are referred to the police.

In the village-level tribunal system, both parties seeking dispute resolution are required to pay some fees. According to the interview in the Zomba district, dispute resolution by Village Headman is set at about US\$ 2.0, while at Traditional Authority, the fee is as high as US\$ 6.3. This is to encourage the parties to resolve minor issues by themselves. The amounts are often paid in livestock, such as chickens, rather than money. Based on the interview in the Salima district, it seems that the rule is somewhat loose in that if the person cannot pay a specified amount, the person should bring a contribution within the range that can be provided. Although the amount is not strictly fixed, considering that most of the villagers live below the poverty line, this can also be a factor that impedes access to justice.

Table 6-1 Fee for dispute resolution

Forum	Amount
Village Headman	MWK1,500 (US\$2.0) per party for lodging a complaint MWK1,500 (US\$2.0) per party for the dispute to be heard
Group Village Headman	MWK3,000 (US\$3.8) per party
Traditional Authority	MWK5,000 (US\$6.3) per party

Source of Information: Gift Sinchaya, Malajira Village, CBO Chairman-Zomba

3) Village Mediator

At the community level, Village Mediators support the Village Head and play a part in dispute resolution. Village Mediators are volunteers from the community recommended by the Village Head and trained by NGOs and donors. They only deal with simple disputes such as marital issues, simple theft, and loans, and difficult cases such as land disputes and witchcraft are referred to the Village Head, and if the cases are related to GBV and rape, they are referred to the police. Also if the parties fail to reach an agreement, the matters are brought into the traditional tribunal system. On the other hand, if a minor dispute is brought to the Village Head or the police, they refer the cases to the Village Mediator for resolution. The mediation by the Village Mediators is free of charge and the aim is to lead the parties to come to conclusion by themselves.

4) Religious leader

While the Village Head mentioned above has authority over the resolution of disputes among all villagers, religious leaders generally exercise their authority over their members. Disputes handled by religious leaders typically include matrimonial issues, child support, and violations of religious rules. Dispute resolution is free of charge and includes the following methods.

- Christian: Discussions are held in the church, and if it does not reach an agreement, the cases are referred to the court. The court will provide the results of the dispute to the church for record and further action.

- Muslim: At the mosque, religious leaders engage in dialogue with the parties and promote understanding and reconciliation between the parties based on the Quran. They only provide advice and counseling, but no penalties. In the case of a criminal issues, the cases are referred to the police¹³⁰.

(4) Channels and Referral system between the informal and formal system

The current conflict resolution and referral systems work with community-level volunteers organized and trained judicial-related agencies and CSOs. They also serve to connect informal justice and formal justice including Legal Aid Bureaus, Anti-Corruption Bureaus, Human Rights Commission, Police, etc. The same volunteers also play a role in disseminating information and awareness-raising activities below:

- Village mediators: handles civil cases and reduce the number of cases that brought to the Village Heads;
- Community police: report cases such as robbery to the police and can detain them until the police arrive;
- Community journalist: report election-related misconduct and violence to the police and MHRC;
- Community action group: reporting fraud in local governments and contact ACB and Ombudsman

6.4 Basic information on legal practitioners

6.4.1 Number of legal practitioners

The number of lawyers registered with the Malawi Law Society (MLS) is approximately 600 nationwide¹³¹. Out of which around 400 are male lawyers and 200 are female lawyers. The total number of judges in the High Court and the Supreme Court is about 46. Out of these, 31 are men and 15 are women¹³².

6.4.2 Qualification

Lawyers: To be admitted as a lawyer, one must have been enrolled at the Malawi Institute for Legal Education (MILE) for at least one year and have passed the Malawi Law Examination. After being admitted as a lawyer, a license to practice must be obtained and renewed annually¹³³.

Judges: According to the Constitution, Judges are appointed by the President on the recommendation of the Judiciary Services Commission, the constitutional body of Malawi. Eligibility to be appointed as a judge is to have the experience as a judge in a court with jurisdiction over criminal or civil proceedings, or have at least 10 years of experience as a lawyer or advocate in court.

Prosecutors: The Director of Public Prosecutions (DPP) has delegated to the Malawi Police Service the authority to prosecute crimes under the Criminal Procedure and Evidence Act and other laws. All police officers above the rank of Deputy Inspector can be appointed as prosecutors for criminal cases in the subordinate courts.

¹³⁰ Interview with Muslim religious leader in Salima district

¹³¹ Interview with Director of Malawi Law Society (MLS)

¹³² Interview with Registrar at the High Court of Blantyre

¹³³ The Legal Education and Legal Practitioners Act (LEPA) [Section 30(4)]

Labor office: The minimum qualification for the staff in the Labor office is to have the Malawi School Certificate of Education (MSCE). However, this qualification lacks the knowledge and expertise needed to resolve disputes between employers and employees¹³⁴.

Paralegals: must be diploma holders.

NGOs: Staff providing legal counseling services at CHREEA and WOLREC have a bachelor's degree or diploma in law.

6.4.3 Training

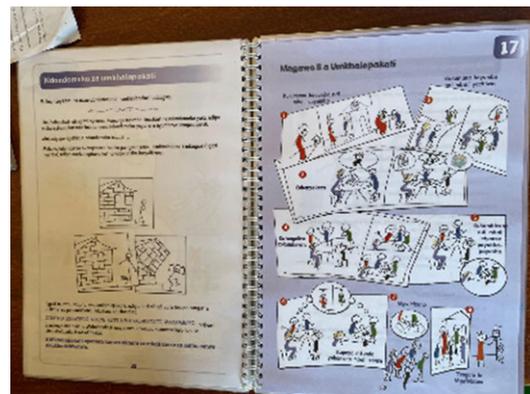
Lawyers: They are required to undergo Continuing Professional Development (CPD) training in various areas of law. 1 credit is awarded for each CPD and 6 credits are required to renew a license.

Judges: Upon appointment, judges will receive a short introductory course. However, due to financial constraints, the provision of training is sporadic.

Prosecutors: Police officers receive initial training once they are assigned to the police station. Once they reach the rank of deputy inspector, the person is assigned to the prosecution department of the police station. After being assigned, legal training is provided and only those who passed the training become prosecutors. The training includes criminal law, road traffic law, financial crimes, and wildlife crimes. The duration of the legal training is 2-3 months, but it was pointed out that the training period is insufficient and some parts of the training may not be covered due to lack of instructors¹³⁵.

Community police: The community policing system has introduced in 1997 and since then community volunteers are trained as community crime prevention officers at the village and TA levels. The police station records the members of the community volunteers who obtained the training, however continuous training is a challenge due to budget constraints as well as the frequent change of the volunteer members¹³⁶.

Village mediators: Training are provided by CSOs such as the Paralegal Advisory Service Institute (PASI). No particular educational background is required to become village mediators. The training manual uses a visual guide so that illiterate volunteers can also understand the role and the method of mediation. The training scheme includes an initial training (1-2 weeks) and follow-up training (1-2 days). The follow-up training is usually organized after 2-3 months of experience mainly to guide how to deal with difficult cases that they experienced¹³⁷.



Training manual for Village Mediators

¹³⁴ Interview with the Labour office in Blantyre

¹³⁵ Based on an interview with the Southern Regional Police Department.

¹³⁶ Based on an interview with Malawi Police Service HQ Victim Support Unit (VSU).

¹³⁷ Based on interviews with PASI.

6.4.4 Lawyers involved in the dispute resolution

(1) Lawyer's involvement in dispute resolution

Lawyers are involved in dispute resolution at various levels including legal advice, mediation, arbitration, and legal representation in courts. They also engage in legal clinics and are involved in LAB's awareness campaign to raise public knowledge of law and rights.

(2) Remuneration structure

Lawyers' fees are partly subject to a set of rules on the minimum amount that can be charged for their legal representation. Other than that, there are no specific regulations and the amount is determined by agreement between the lawyer and the client. The amount is either a fixed lump sum or an hourly rate.

(3) Pro bono activities

Lawyers are obliged to do at least 24 hours of pro bono work a year as a requirement for renewing their license to practice, as stipulated in the Legal Education and Legal Practitioners Act. The Legal Aid Bureau (LAB) must coordinate with the Malawi Law Society (MLS) and the courts. However, in 2020, only 130 lawyers out of approximately 600 registered lawyers provided pro bono through the LAB¹³⁸. While LAB does the screening of the beneficiaries to ensure that the legal aid is provided to the vulnerable groups, lawyers who provide pro bono by themselves or through other referral systems often do not go through the screening process. Therefore, a coordination and collaboration framework between LAB and MLS on pro bono is currently under discussion.

6.5 Social needs analysis for access to justice

6.5.1 Common disputes and means of resolutions

(1) Common disputes

Malawi consists of three regions, northern, central, and southern, and is divided into 28 districts. In this survey, two urban cities; Lilongwe and Blantyre, and four rural districts; Thyolo, Zomba, Salima, and Mzimba are surveyed.

¹³⁸ Based on interviews with the Legal Aid Bureau (LAB) and the Malawi Law Society (MSL).



Source: JICA Survey Team

Figure 6.2 Survey areas in Malawi

Table 6-2 Summary of the survey locations

Area	Name	Overview
Urban	Lilongwe	The capital city of Malawi, situated in the center of the country. Having an administrative function. The district population is about 2,600,000.
	Blantyre	The second-largest city and the largest commercial city in Malawi. Located in the south and has a Supreme Court. The district population is approximately 1,250,000.
Rural	Thyolo	A town in the Southern region. Inhabited by the Lomwe tribe, one of Malawi's four major ethnic groups. Most of the area is under tea plantations.
	Zomba	A city of the Southern region. The large Muslim community (Yao tribe) in the country is about 20% of the population. The district population is about 750,000.
	Salima	A city in the Central region. Facing a lake and attracting investors. The majority of the population is the Chewa tribe (descendant from Nigeria, Cameroon, DRC). A mixture of Christians, Muslims, and other regions. The population of the district is about 480,000.
	Mzimba	A city in the Northern region. Many Ngoni and Tumbuka tribes from South Africa and the Tumbuka language are used. Follows patrilineal system. The district population is approximately 940,000.

Source: Population and Housing Census 2018

The majority of the legal issues in cities are labor and employment-related issues, land disputes, property inheritance, and GBV. On the other hand, common disputes at the village level include land issues, matrimonial disputes, property and thefts, witchcraft, chieftaincy disputes, and GBV. In particular, Thyolo district is under large-scale farms, and there are many land disputes between farm owners and villagers. Although there are some regional characteristics such as land ownership and inheritance issues in patrilineal/matrilineal societies, the common disputes are similar. The basic method of conflict resolution in informal justice is reconciliation through mediation.

Table 6-3 Main conflict issues

Urban area	Rural area
<ul style="list-style-type: none"> ● Employment issue ● Land disputes (population increase, matriarchy) ● Property dispute of the deceased ● GBV ● Election dispute 	<ul style="list-style-type: none"> ● Land disputes (population increase, patrilineal/matrilineal societies, between investors) ● Matrimonial disputes ● Property disputes and simple theft (crops and livestock) ● Witchcraft (Elderly people) ● Chieftaincy disputes ● GBV

Source: JICA Survey Team

(2) Common disputes among vulnerable groups

In Malawi, there is no specific definition of vulnerable groups, but generally, children, women, the elderly, people with disabilities, and people with albinism are considered vulnerable. Common dispute issues include GBV, early marriages, property of the deceased, property grabbing, and discrimination against persons with disabilities. Dispute resolution is often sought in the informal justice system at the village level, but NGOs sometimes support the issues of children and women in particular. It was also confirmed that other vulnerable groups do not even bring in issues for fear of retaliation from the village heads and other powerful people.

The issues faced by each vulnerable group are as follows¹³⁹:

- Children: In particular, early marriages is a social issue, but it is difficult for them to bring the matter to the authority;
- Women: GBVs are rarely reported to the police due to financial dependence on their husbands and the perpetrator bribing the Village Head to influence the decision;
- Elderly: Regarded as the cause of witchcraft and vulnerable to violence;
- Persons with disabilities: They need to consult with their family and relatives for their support, but in many cases, their supports are not available;
- Albinism: Often becomes a victim of religious rituals.

In terms of the language barrier, as English is used as the official language of the court, if the parties do not speak English, an interpreter will be assigned, but the interpreter is not necessarily a legal expert which can be disadvantageous in court.

(3) Efforts to support the vulnerable groups

1) Victim Support Unit in the Police

The Victim Support Unit (VSU) was established in 2010 to support victims of criminal and civil cases, especially women and children, in view of the need to provide support to the victims as well as to the perpetrators. At least one VSU officer is assigned to each province and currently, 41 police stations have VSUs. The services provided by the VSUs include counseling, first aid, advice, and referral to other agencies such as social welfare departments, hospitals, and courts.

According to interviews with the police, there were 8,674 GBV incidents reported in the first six months of 2020, increasing to 9,321 in the same period in 2021. They also confirmed the statistics that the number of child marriages and underage pregnancies also increased due to the closure of schools due to Covid-19.

2) One-Stop Center (OSC)

Since 2009, at the initiative of the Ministry of Gender and the Ministry of Health, One-Stop Centers (OSCs) have been set up in District Hospitals in each province to support victims of GBV. Child protection, social welfare, doctors, nurses, and counselors are stationed in OSC. Services provided by the OSC include medical care, counseling, awareness campaigns, and follow-up of cases both at home and in the courts. Even in cases where treatment is not required, in-person visits are available for counseling.

In some cases, OSC staff assist victims to go to court, and in some cases, CSOs that provide legal aid have provided support and prosecuted teachers and police personnel, thus OSC has also played a role in improving victims' access to justice.

¹³⁹ Interview with villagers in the survey area.

6.5.2 Public perception towards the judicial system

According to the interview from this survey, the general perception of the formal justice system is that they trust the decisions of the judiciary because of the legal basis. At the same time, many people do not use the formal justice system because of the time-consuming process and the image that courts are only for the wealthy. In rural areas, in particular, many people expressed the issues such as inaccessibility due to physical distance and the need to bear the travel costs of lawyers.

As for informal justice, villagers do not have much trust in it due to the corruption of village heads, political interference, bias, and lack of enforcement. However, due to the lack of other means, most of the villagers are relying on informal justice.

6.6 Policies and institutions for access to justice

6.6.1 National policies on access to justice

(1) National policy

In the Ministry of Justice's Strategic Plan 2019-2024 (Malawi Judiciary Strategic Plan: MJSP), the following strategies are listed: 1) strengthening service provision, 2) securing and managing necessary funds and human resources, 3) increasing public confidence in the judiciary, 4) strengthening of organizational structure of the judiciary and capacity building. Concerning ICT utilization, while the Plan for 2011-2017 focused on the introduction of e-case management, the Plan for 2019-2024 focused on improving the efficiency of service delivery.

The strategic plan of the Ministry of Justice and Constitutional Affairs is currently under review. Sectoral-related policies exist, such as the Democratic Governance Sector Policy and the National Prosecution Policy, both of which require review.

(2) Legal Aid Act

The Legal Aid Act 2015 aims to facilitate the provision of legal aid in civil and criminal matters to those with insufficient means. Legal aid defined under section 2 of the Act is legal representation, legal advice, legal assistance and it also includes the provision of legal education and information. Legal advice means providing oral and written advice to persons seeking advice, applying statutes and common law. Legal assistance refers to assistance in taking any of the steps concerning proceedings either by way of representation or by assisting a person to take such steps on their own.

(3) Legal education and legal practitioner law

The Legal Education and Legal Practitioners Act (LEPA) sets standards for legal practitioners. The LEPA stipulates pro bono activities as a prerequisite for obtaining a license to practice. Section 42 (1) LEPA also provides that the Malawi Law Society (MLS) in liaison with the Legal Aid Bureau (LAB) must allocate the pro bono work to every legal practitioner.

If a legal practitioner is unable to perform the work, the person must not only have a justifiable reason for the same but also must pay the amount so that another legal practitioner can be hired. Failure to pay will result in disciplinary action. However, lawyers employed in the public service are exempt because they are already considered to be serving the community.

6.6.2 Institutions and jurisdiction on access to justice

The main judicial policy-making body is MOJ. The implementation bodies include the Legal Aid Bureau (LAB), the Anti-Corruption Bureau (ACB), and the Malawi Human Rights Commission (MHRC), Ombudsman, Law Commission, etc. The general demarcation of the jurisdiction among those agencies is as follows. Some cases are referred to between the agencies.

- LAB: cases that should be brought to court;
- Ombudsman: cases that cannot be brought to court without evidence;
- ACB: corruption issues¹⁴⁰;
- MHRC: human rights violation

6.6.3 Legal aid system and service

(1) Legal aid services

For criminal cases, legal assistance is provided to those who are arrested, detained, or under investigation. The assistance includes legal advice, bail applications, and legal representation in the court. For civil matters such as matrimonial and land disputes, the service includes the provision of legal information, assistance on legal procedures, legal advice based on the relevant legislation, and legal representation in the courts.

LAB has introduced toll-free numbers at some police stations with the support of the EU. This is a pilot stage but is intended to ensure that arrested persons and suspects are informed of their rights to request legal assistance at the early stage. Correspondents of the toll-free call are provided with basic legal advice by qualified paralegals.

(2) Legal aid budget

The budget for the Judiciary is about 0.8% of the total national budget, which is less than the required budget which is 3%¹⁴¹. MOJ's budget for the 2020/2021 fiscal year is MWK 76.6 million (US\$ 96.0 thousand) for access to justice policy execution, and MWK 696.0 million (US\$ 87.5 thousand) for the LAB budget. Funding to LAB was cut by one-third compared to the previous fiscal year, and funding shortages are a serious issue.

¹⁴⁰ The Corrupt Practices Act 1995 defines corrupt practices as "the giving, receiving, obtaining or soliciting of any benefit to influence the action of any public officer or any official or any other person in the discharge of the duties of that public officer, official or other person.

¹⁴¹ Malawi Judiciary Strategic Plan 2018-2022

(3) Legal aid providers and users

1) Legal Aid Bureau (LAB)

LAB currently has offices in four major cities Lilongwe, Blantyre, Mzuzu, and Zomba. Regional offices have been established in 13 districts and aim to establish regional offices in all districts by 2023.

From 2015 to the present, the number of cases brought to the LAB has reached 20,200 nationwide, and so far 15,142 cases have been resolved. Due to the awareness-raising activities, the number of cases has increased in the last few years. The number of cases and types of services are not digitally managed but the rough estimation is that about 70% of legal aid was legal representation and 30% was legal advice and support. Annual statistics are also not available but for example, the number of received cases in the LAB Blantyre office is 3,000 and out of which about half of the cases are solved. LAB has only 25 qualified lawyers and 88 paralegals, which is overwhelmingly small in number in comparison with the national population of 18 million.

From the users' perspective, 90% of the criminal cases are submitted by men, and about 10% of them are from minors. In the case of civil lawsuits, 80% are women, and common disputes are marital issues and property disputes. On the other hand, land-related, marriage, and contractual issues are common among men. In addition, criminal cases tend to be prioritized in the provision of legal aid services.

2) Paralegals

Although their role is limited to providing legal advice and assistance, it is very important where basic rights of the accused are not well protected in the formal justice system. For example, in the case of Maula Prison in Lilongwe city, prison is over capacitated where 2,800 people are in the 1,200 capacity facility (over 200%), and out of which, 1,000 detainees are waiting for the trial and not yet convicted. The common issue is that in addition to the process being slow, even those who are granted bail are detained in prison without being able to contact their relatives even if bail is granted.

Currently, with donor support, paralegals are stationed in some police stations, magistrate courts, and prisons. Paralegals can support the accused with the issues of expired warranties, apply for bail, and appeal after the accused are being convicted (preparation of the documentation, etc.). This basic support is very much required in improving the function of the formal justice system.

The use of paralegals in the Magistrates' Court has been discussed to make up for the shortage of lawyers, but there seem to be pros and cons among judicial-related organizations regarding their scope and the quality of service.

3) Village mediators

As mentioned above, village mediators trained by donors and CSOs play the role of mediating simple disputes, and there are currently about 3,000 of them are working nationwide¹⁴². Not only their service is free of charge, but

¹⁴² Based on hearings from the Paralegal Advisory Service Organization (PASI).

also the content of the cases will not be disclosed so the privacy of the parties will be protected unlike the Village Head or the police. This makes it easier for the community members to approach them.

The number of village mediators is still small and the training is provided in 11 out of 28 districts as of now. According to the interview with PASI, there are a lot of community volunteers who are interested in becoming the village mediator, it is possible to increase the number of mediators if the training costs are covered.

4) NGO

In Malawi, several NGOs provide dispute resolution services. Common disputes include theft, matrimonial disputes, DV, GBV, child sexual abuse, witchcraft, etc. In some cases, NGOs support the resolution of the Village Head and assist in bringing the cases to the police. Some NGOs also provide counseling for victims of sexual abuse and domestic violence. Notable NGOs working in this field are:

- The Paralegal Advisory Service Institute (PASI): An NGO that trains paralegals and provides legal aid through paralegals particularly at the police, court, and prison levels, and promotes a model of dispute resolution through village mediators at the community level. PASI is also expanding the paralegal model to other countries through the African Center of Excellence for Access to Justice (ACE-AJ), a regional level platform.
- Women Legal Resources Center (WOLREC): An NGO supporting women and girls. They provide legal representation in the formal system and also work in the informal system with village mediators and chiefs;
- Catholic Commission for Justice and Peace (CCJP): Catholic Church-affiliated NGO that establishes local commissions and trains community representatives to resolve human rights-related disputes and share information. Also active on advocacy for law reform;
- The Center for Human Rights Advice and Assistance (CHREAA): An NGO that promotes human rights protection through civic education, legal advice, and legal aid for vulnerable groups (detainees, women, and children). It also provides legal aid services for GBV-related victims in collaboration with the One-Stop Center (OSC).

(4) Efforts to improve quality of services

1) Lack of monitoring system

Based on the interviews, the quality of legal service of both formal and informal justice is considered as low. In formal justice, the Department of Planning and Policy Services is obliged to evaluate and monitor the quality of legal services according to the Judiciary Strategic Plan 2019-2024, however, the department is not yet functional as of now. Informal justice also does not have a monitoring system, but there are cases where DCs check with TAs on the reasons why problems recur in their areas.

2) Establishment of a regional network

In 2017, a regional-level NGO network called the African Center of Excellence for Access to Justice (ACE-AJ)¹⁴³ was established to promote paralegals, chaired by a Malawian NGO (PASI). It aims to be an information hub on community paralegals in the African region and has been organizing workshops, study tours and internships, and sharing training materials.

Currently, NGOs from 12 English-speaking African countries¹⁴⁴ (including Kenya, Tanzania, Rwanda, Malawi, and Zambia) are the members. There are plans to expand the membership to French-speaking countries in West Africa and a survey was conducted on the current status of informal justice in Cote d'Ivoire, Senegal, and Burundi. The direction of the ACE-AJ is to create an E-library of best practices in other countries and establish an online network for the members¹⁴⁵.

6.6.4 Call center operation

(1) Ministry of Justice

There is no call center in the MOJ.

(2) Outside the Ministry of Justice

The Legal Aid Bureau (LAB), with donor support, has started the service of toll-free number '675' in July 2021 and has introduced the phone in 8 police stations. The police stations make sure that all detained individuals can use the service of toll-free number '675' for at least 5 minutes when they are detained. On the other hand, the LAB has only one line and is staffed by one paralegal. At present, the '675' number is not open to the public, and the immediate target is to connect only to the police station and prison.

The Anti-Corruption Bureau (ACB) also introduced the toll-free number "113" in 2008 with donor support, but the service was discontinued after one year when the donor support ended. In July 2021, with new donor support, the service is being reintroduced. 2 telecommunication companies (TNM and Airtel) are available for the general public to contact them on corruption issues, and they have started publicizing toll-free using community volunteers organized in each district. The investigator at ACB receives the inquiry and advises on the spot if it is a simple inquiry. There are still financial challenges of sustaining the Toll-Free service. Currently, they are negotiating with the Malawi Communications and Regulatory Authority (MACRA) to have the communication fee waived¹⁴⁶.

¹⁴³ <https://accesstojustice.africa/>

¹⁴⁴ Member countries at this time (South: Malawi, Zambia, South Africa, Mozambique, Sierra Leone; East: Kenya, Tanzania, Rwanda, Uganda; West: Ghana, Nigeria, Sierra Leone), countries to be expanded in the future (West: Cote d'Ivoire, Senegal, Burundi)

¹⁴⁵ Based on an interview with the Chairman of ACE-AJ (Director of PASI).

¹⁴⁶ Based on a hearing from the Anti-Corruption Bureau (ACB).



Toll-free receiving phone in a section of the LAB office



Toll-free receiving phone in ACB

Several NGOs also provide toll-free services. For example, CHREAA provides telephone counseling by a representative with a degree in a relevant field; WOLREC has also introduced a toll-free number for GBV reporting in the past with donor support but terminated the service after the project ended because it could not raise the operating costs.

(3) Call center equipment costs

The survey team could not contact institutions that operate the call center. Therefore, the unit price of the establishment and operation of the call center is collected and summarized as below.

Table 6-4 Call center cost information

Equipment	Unit	Price (MMK)
Computer Equipment - Monthly Rentals		
Computer Rentals	Equip Count	25,000
Headsets	Equip Count	12,000
Snom	Equip Count	6,000
Human Resource		
TAH Agent Fees (TNM's Agents, Hosted by TNM)	Per Person/month	250,000
Call Center Training	Per Person, per module	70,000
IVR recording fees	Per page, 250 words	90,000
Operation	Unit	Price (MMK)
Service		
Voice on net	Minutes	40
Voice Off net	Minutes	60
Standard Fixed Line Rentals including Support and maintenance fees	Per agent/month	15,000

Source: Telecommunication Networks Malawi (TNM), Blantyre Head Office

6.7 Infrastructure supporting access to justice and public relations

6.7.1 Communication infrastructure

According to Malawi Communications and Regulatory Authority (MACRA), the national TV penetration rate is 11.6%, with a significant difference between urban and rural rates of 44.3% and 5.4%, respectively. The radio penetration rate is higher, at 60.8% in urban areas and 32.8% in rural areas. In terms of the usage, the national TV usage rate is 23.7%, while radio usage rate is considerably high at 71.2% and there are small differences between urban and rural which is 81.2% and 69.2%.

On the other hand, the internet penetration rate is still small in number that is 13.8% in 2019¹⁴⁷. According to the interview with the Judiciary who has introduced an e-case management system, although the internet is available, slow internet speed is an issue.

6.7.2 Education system

(1) Elementary and secondary education

In primary education, students learn about constitutional law, environmental management law, human rights and freedoms, and separation of powers from the social studies curriculum in the fifth grade.

In secondary school, students study human rights violations, labor laws, dispute resolution mechanisms at national and local levels, and the issue of social justice. Methods of dispute resolution such as mediation, negotiation, and arbitration are also explained in the social development studies.

(2) Higher legal education

The followings are an overview of the curriculum of the University of Malawi, the only institution of higher learning accredited by the government for offering law degrees.

1) Undergraduate course (LLB)

The School of Law has two departments, the basic law department, and the practical law department. Students enrolled in the undergraduate programs take basic law courses from the first to the third year of law school. The third-year consists of compulsory and elective courses. In the final year, the curriculum focuses on practical subjects. There are no mobile legal clinics provided at the university.

Table 6-5 University courses for Bachelor of Law

1 st year	2 nd year	3 rd year	Final year
Compulsory <ul style="list-style-type: none"> ● Introduction to law ● Constitutional law ● Administrative law ● Criminal law ● Law of Torts ● Clinical legal education ● Gender and the law 	Compulsory <ul style="list-style-type: none"> ● Equity and the Law of Trusts ● Land Law ● The Law of Contract ● Jurisprudence ● Public international law 	Compulsory <ul style="list-style-type: none"> ● Customary Law ● Commercial law ● Law of Business Organizations ● Legal Research Selective <ul style="list-style-type: none"> ● Environmental law ● Family Law ● Intellectual Property Law ● Natural Resources law ● Law of Human Rights ● Labour Law 	Compulsory <ul style="list-style-type: none"> ● Civil Procedure Law ● Criminal Procedure ● Law of Evidence ● Accounting ● Dissertation ● Clinical Legal Education ● Drafting ● Revenue Law

2) Master's Program (LLM)

The only graduate program offered at the University of Malawi is a master's degree in commercial law. The curriculum consists of mandatory subjects such as banking law, corporate finance law, corporate tax law, WTO

¹⁴⁷ Statista

law, and elective courses include corporate governance theory and practice, international comparative intellectual property law, bankruptcy law, etc.

(3) Training institutions

The Staff Development Institute is a government training institute that provides training courses to public and private sector employees in a variety of fields. In the legal field, the institute offers training courses for paralegals and lawyers. Many of the participants are court officials, NGOs, and other judiciary-related organizations, and there are plans to introduce online courses so that participants can take the courses in the evenings and on weekends. It was also noted that the training of mediators is recognized as an important issue and additional courses may be considered if needs are identified.

Table 6-6 Overview of training courses

Course Name	Course Requirements	Period
Paralegal Training Course	MSEC 4 credits	16 weeks
Certificate in Law	MSEC 4 credits	1 year
Diploma in Law	University of Malawi 6 credits	Six years

Source: Based on interviews with program coordinators at staff development agencies.

(4) Adult education

Public hearings and briefings for promulgation or amendment of laws and regulations are held. Notices inviting people to these types of public hearings are published in newspapers and broadcast on national television and both national and community radio. However, participation in public hearings is often limited to people in urban areas who are interested in a particular law.

(5) Awareness-raising activities

MOJ is not directly involved in the awareness campaign. However, as mentioned above, stakeholder discussions will be held before the law is enacted, and depending on the nature of the enacted law, awareness campaigns may be conducted.

Each of the judiciary-related organizations carries out awareness-raising activities providing information on the law and human rights, legal aid, and contact points for inquiries. The main activities and methods are as follows:

- Legal Aid Bureau (LAB), with the support of donors, uses national and community radio and television programs to raise awareness about the law and legal aid. They also make use of documentary programs, music, and drama to convey their messages. Mobile legal clinics are conducted in remote areas, and information is provided through social media such as Facebook, Twitter, and Instagram;
- Malawi Law Society (MLS) carries out awareness-raising activities in urban and rural areas through mobile legal clinics;
- Ombudsman conducts mobile legal clinics in specific areas to resolve problems on the spot, as well as open discussions and panel discussions to raise awareness about citizens' rights and rights violations. They also use Twitter, Facebook, etc. as a means of providing information; and

- Anti-Corruption Bureau (ACB) shares information on corruption in government organizations, including judges and police officers, through television and radio programs, and has established an awareness-raising month on anti-corruption. In addition, a group of 20-30 people called CLOUB is formed in each district, and through them, information is shared with the community, and the community reports to ACB.

These organizations have signed MOUs with community volunteers (about 10 people in each village) organized by the National Initiative for Civic Education (NICE) for civic education, and are providing information and raising awareness through them.

6.7.3 Public relation tools

(1) Homepage

The website of MOJ has contact information, it also has a section on press releases and the latest news to keep the public informed.

(2) Social media

Other organizations in the justice system (LAB, ACB, MHRC, etc.) also maintain their websites and disseminate information, and raise awareness using Facebook and Twitter. There are some NGOs using SMS and mobile applications to communicate with the public. For example, CHREEA operates an SMS system and provides legal advice via SMS.

(3) Conventional media

Similar to the above, with the support of NGOs and donors, legal education and information on the judicial system are being disseminated using TV and radio programs which are the main source of information in the area without internet access.

6.8 Introduction of ICT in the judicial system

6.8.1 Policies of ICT introduction in the legal system

MOJ's Strategic Plan 2019-2024 has four goals, one of which is to enhance service delivery. Among these are improving case management and increasing ICT utilization.

The most recent Court (High Court) (Civil Procedure) Rules, 2017 include elements related to the use of ICT in the judiciary. It mainly stipulates the digitization of the court process and allows the use of fax and the delivery of documents using e-mail. It is expected that these ICT use will promote efficient document management.

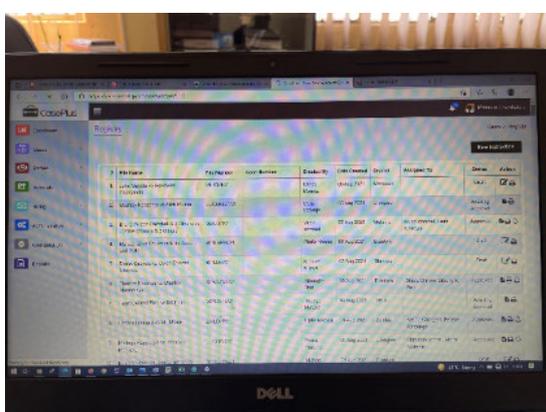
6.8.2 Current status of ICT adoption

(1) e-filing, e-management

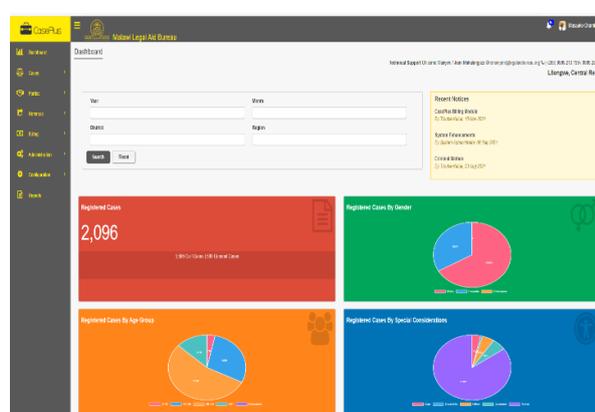
With the support of the EU, online record management was introduced to MOJ and Judiciary. This system is installed in the Supreme Court and five High Court and is also linked with the Director of Public Prosecutions (DPP). It was pointed out that one of the challenges is that the network is slow so the e-filing takes time to complete. The system is currently under review, and it was proposed to switch the existing network to a fiber

network to increase the speed. It was also pointed out that the lack of IT skills among staff is one of the reasons for low utilization rates, emphasizing the importance of training the users such as judges, IT personnel, and lawyers. There is a consideration that the public portal function will be added so that the public can check the progress of the cases. MOJ expressed that they would like support for additional facilities and systems in courts in districts as well to improve the efficiency of procedures.

Legal Aid Bureau (LAB) started developing a case management system in December 2020 with its budget and is working with a system developer to create a simple and easy-to-use system. They started registering cases in August 2021 to efficiently manage the assignment and progress of the cases, referred cases to other institutions. In addition, the system can analyze statistics and a dashboard will be available for the status of legal aid provision by region, type of case, and gender of beneficiaries. Although it is still undecided due to budgetary constraints, additional functions are being considered that would allow applicants to follow up on the progress of their cases through automatic responses via SMS (USSD).



E-case management system developed by LAB



Dashboard processed by the e-case management system

(2) e-court

According to the Judiciary, PC equipment and Zoom have been installed in the Supreme Court and four of the High Courts. However, only eight district courts have internet access but the others are not connected. Similar to the issue of the e-case management system, lack of equipment and slow internet connection is the issue. Considering that lack of funds for operating costs will be an issue, financial support such as renewing the Zoom license is required. At the same time, user IT training is required in collaboration with the Malawi Law Society (MLS). It was also pointed out that in the criminal procedure, as it will be a public trial and the defendant's privacy issue may arise, so revision of the Criminal Procedure and Evidence Code will be required.

6.9 Donor funded activities

The major donors in the field of access to justice are the EU, UNDP, and DFID. Donor coordination meetings are held regularly to share information on the activities of each donor and related parties, including CSOs, and to ensure that there is no duplication of support.

(1) EU and UNDP

- Project name: The Chilungamo ("Justice") project (i) Justice and Accountability Programme
- Period: 2017-2022
- Budget: 12 million euros
- Donor: EU
- Implementing Agency: UNDP
- Activities:
 - The project focuses on criminal justice and aims to improve accountability and strengthen legal service providers to reduce prison overcrowding and improve access to justice for victims and offenders. Target agencies include MOJ, Judiciary, LAB, MHRC, Ombudsman, police service, and prison service.
 - Support to the agencies includes the case management system for MOJ and Judiciary; training for police officers and prosecutors, rehabilitation of Victim Support Units (VSU) of police stations and magistrate courts, mobile court support for Ombudsman, reporting for Judiciary, awareness-raising material for LAB, financial support of mobile court for murder cases including accommodation, fuel, and vehicle, etc.
- Project name: The Chilungamo ("Justice") project (ii) Access to Justice through Village Mediation and Paralegal Services
- Period: 2018-2022
- Budget: US\$ 5 million (€ 5.3 million for EU and US\$ 0.8 million for UNDP)
- Donors: EU, UNDP
- Implementing Agency: UNDP, PASI
- Activities:
 - The project aims to improve access to justice through an early resolution of minor criminal cases by strengthening village mediators and providing paralegal services at police stations, courts and prisons. The project targets seven districts; Lilongwe, Mchinji, Salima, Blantyre, Mangochi, Zomba, and Mzimba.
 - Paralegals have been placed in police stations, prisons, and magistrate courts in 22 districts to provide legal information, advice, and assistance with bail procedures. In addition, about 600 village mediators are being trained, to increase this number to 1,200 during the project period. The target for capacity building is village mediators and paralegals, as well as magistrates, police officers, prison guards, and social welfare workers.
- Project name: Malawi Spotlight Country Programme (Spotlight)
- Period: 2018-2023 (Phase 1: 2018-2021, Phase 2: 2021-2023)
- Budget: Phase 1, 20 million Euros
- Donors: EU, UN
- Implementing Agency: UNDP, UNFPA, UNICEF, UN Women
- Activities:

- The program focused on SGBV and consists of six pillars: 1) law and policy; 2) institution and system; 3) prevention and social norms; 4) services; 5) digitization; and 6) women's rights movement. The target countries are 13 countries including 8 African countries; Liberia, Mali, Mozambique, Niger, Nigeria, Uganda, Malawi, and Zimbabwe. In Malawi, 6 districts; Nkhata Bay, Mzimba, Ntchisi, Dowa, Machinga, and Nsanje are targeted.
- In particular, emphasis is placed on building the capacity of SGBV service providers and strengthening the referral systems and VSUs.
- In addition, since the problem of economic dependence as a factor that GBV is not reported, the program includes supporting women's SMEs and entrepreneurs to promote their independence. The approach is that budget is allocated to UNICEF, UNSEF, UN Women, etc., and each institution identifies CSOs and supports their activities.

(2) DFID

- Project Name: Access to Justice for Vulnerable Groups Programme (JVG)
- Period: 2011-2016
- Budget: 15 million euros
- Donor: DFID
- Implementing agency: UNDP, UNICEF, and NGOs, etc.
- Activities:
 - The project focused on SGBV and included training for community police, VSUs, and magistrate courts to strengthen existing informal and formal justice systems.
- Project Title: Malawi VAWG Prevention & Response Programme (Tithetse Nkhanza)
- Duration: 2019-2024
- Budget: 20 million euros (5 years)
- Donor: DFID
- Implementing agency: UNDP, UNICEF, and NGOs, etc.
- Activities:
 - The project is being implemented as a continuation of the JVG mentioned above. Phase 1 is currently being implemented in Lilongwe, Karonga, and Mangochi, and is expected to end in 2022, the end year of Phase 1.

6.10 Challenges of access to justice in the country

The main issues identified in Malawi related to access to justice include the issue of corruption, budget constraints and lack of human resources, delayed process, regional disparity, lack of enforcement power, gender issues, and sustainability.

- **Corruption issue**
Particularly in land disputes, the issue of political interference and the influence of powerful people on court decisions was pointed out.

- **Delayed process**

Continuing delay in delivery of court decisions and adjournments of cases make parties abandon their cases which also affects people's trust in the formal judicial system.

- **Lack of budget and human resources**

The ratio of lawyers to the population is low about 600 lawyers for 19 million population. Each lawyer is in charge of more than 300 cases every year, which cannot guarantee high-quality services. In addition, the budget of LAB is limited and the number of legal aid lawyers is overwhelmingly small to meet the needs so there are high expectations for the utilization of paralegals.

- **Regional disparity**

Judiciary institutions and lawyers are concentrated in urban areas, and lawyers are not sufficiently assigned to LAB in district offices. This makes it difficult to utilize formal justice in rural areas. Therefore, there are high expectations for the activities of paralegals and NGOs and the improvement of the quality of their services.

- **Lack of enforcement power**

ADR is recommended as a means of resolving disputes, and authority has been transferred, however, due to lack of enforcement power, the conflict is not fully resolved in ADR.

- **Lack of knowledge and understanding of the law and insufficient capacity**

The general public is not familiar with the law, court system, and means of dispute resolution. At the village level, many do not understand the basics of dispute resolution, such as the need for evidence. Training on the rights of suspects is also needed for staff in police and prison.

Particularly at the DC and TA level in informal justice, they do not have basic knowledge and expertise so the judgment is influenced by the relationships, and the quality of justice is not guaranteed. Particularly the difference in Constitution and customary law makes the issue more complicated.

- **Gender issue**

GBV and child marriages are a major social issue, and donors and NGOs have been supporting this field, and awareness-raising on human rights is being carried out. However, there is insufficient cooperation with related organizations such as the Social Welfare Department, the police, and NGOs, and in many cases, information is not fed back to the TA, which is the first contact of the villagers. To raise awareness of the entire community, it is important to strengthen cooperation with the traditional refereeing system at the village level.

- **Sustainability**

The establishment of the Legal Aid Fund of the Legal Aid Bureau, which was planned from 2016, has been delayed, and although it is currently underway, the budget from the government is scarce, and the employment of lawyers and the response to the filed cases are not sufficient. Other judicial access agencies also rely on donor support for much of their activity. To broaden the scope of activities and improve the quality, how to secure financial resources is the most challenging issue.

6.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegals

One of the interesting initiatives in Malawi is that community volunteers are being trained as community paralegals (village mediators), who play an important role as the first contact for conflict resolution in the community. At the moment, the support area is limited and refresher training is not sufficiently provided. Supporting the regional expansion of community paralegals through trainers' training and refresher training (preparation of Q&A etc.) can be one of the support measures. In addition, as mediation training is not included in the paralegal training courses of government training institutions, support for introducing a mediation course would be also beneficial.

(2) ICT

In Zambia, with the support of UNDP, paralegals have been placed at the police, prisons, and magistrate courts in 22 districts to provide legal information and make referrals to relevant agencies. The JusticeHub App could be used as a tool for paralegals to connect with lawyers for cases that require legal representation. In addition, in order to renew a lawyer's license, the lawyer must engage in pro bono work on at least one case per year, but there is no system in place to track whether a lawyer has engaged in pro bono work. There is a need for a system that can manage this together with CPD training, which is another requirement for renewing a lawyer's license.

(3) Mobile Legal Clinics

Due to the shortage of judicial personnel, especially in rural areas, awareness-raising activities and legal consultations in remote areas are conducted through mobile legal clinics. However, due to budgetary constraints, the regional scope and frequency of services are limited. The local offices of the Legal Aid Bureau (LAB) also face the challenge of not being able to adequately respond to the needs of LAB lawyers due to their lack of transportation. Therefore, it is desirable to provide vehicles and support to local lawyers and paralegals to expand the scope of their activities, including awareness-raising activities, legal counseling, and legal aid.

(4) OSC

In Malawi, One-Stop Center (OSC) has been set up at the District Hospital since 2009 to provide support to victims of GBV, where child protection officers, social workers, doctors, and police officers provide counseling, treatment, and reporting. The OSC is under the jurisdiction of the Ministry of Gender and the Ministry of Health. A similar function to this OSC is established in the police station as a Victim Support Unit (VSU) which provides counseling and referrals to relevant agencies. By supporting the collaboration of paralegals with OSC and VSU, their service can be expanded to providing legal information, connecting with lawyers, providing training to chiefs on how to handle GBV cases, and also conducting awareness-raising activities to the community.

Chapter 7. Survey Findings from Cote d'Ivoire

7.1 Summary

(1) Survey area

Cote d'Ivoire is divided into 32 Regions, 2 Autonomous Regions, and 108 Departments.

This study was conducted in two urban areas, Abidjan, the economic and political capital, and Bouake, the second-largest city. Also, it was conducted in rural areas, Korogo in the north, Segera in the center, and Daloa in the west.

(2) Survey outline

Formal Justice: Same as France, the former colonial country, the judicial system of Côte d'Ivoire is based on civil law.

The judicial system consists of courts of the first instance and their branches, courts of appeal of the second instance, and, at the highest level, the Court of Cassation and the Council of State (Conseil d'Etat).

In both urban and rural areas, formal justice is usually a lengthy and costly process and is seen as corrupt and untrustworthy. Due to social and cultural trends, conciliation through discussion is preferred between the parties involved. Formal justice has become more accessible to citizens. In urban areas, there are ADR institutions who receive and respond to complaints from civil servants and public institutions such as the Republican Mediator, who receives complaints of civil servants and public authorities; by the Courts of Justice and Arbitration, which mediate and arbitrate in commercial matters; by the National Human Rights Council; by lawyers.

Informal justice: In urban areas, dispute resolution and/or conciliation are carried out by district chiefs, Christian and Muslim leaders at the district level. In rural areas, mediation of various disputes is carried out by the local government, village leaders, etc. The main types of disputes common to both urban and rural areas are family issues such as divorce and child custody, and civil disputes such as land rights. In rural areas, there is some collaboration and cooperation between traditional leaders and government agencies on issues related to violent incidents and gender-based violence.

Legal aid service: In 2016, local legal aid offices were established in the courts of the first instance and their branches. 90% of legal aid applications are lawyers' fees, however, transportation and accommodation costs are not paid to lawyers. As a result, lawyers cannot travel to rural areas, and virtually no legal representation in rural areas can be provided. In rural areas, the legal aid system itself does not work.

Use of ICT: The preconditions for the introduction of ICT are not in place, such as the lack of internet access in the courts and the insufficient IT equipment. The court records are still kept in paper form. On the other hand, pilot projects for the digitization of court proceedings are being implemented in some courts.



Source: JICA Survey Team

Figure 7.1 Survey areas in Cote d'Ivoire

Challenges on access to justice: Insufficient legal aid budget, a backlog of cases due to lack of judicial personnel, and regional disparities due to the concentration of lawyers in Abidjan. In some cases, corruption in the judicial sector, lack of legal knowledge, and social and cultural practices are said to hinder cooperation and collaboration with public institutions. In addition, there are challenges such as the dependence of legal clinics and legal aid operations on donors, which do not ensure sustainability.

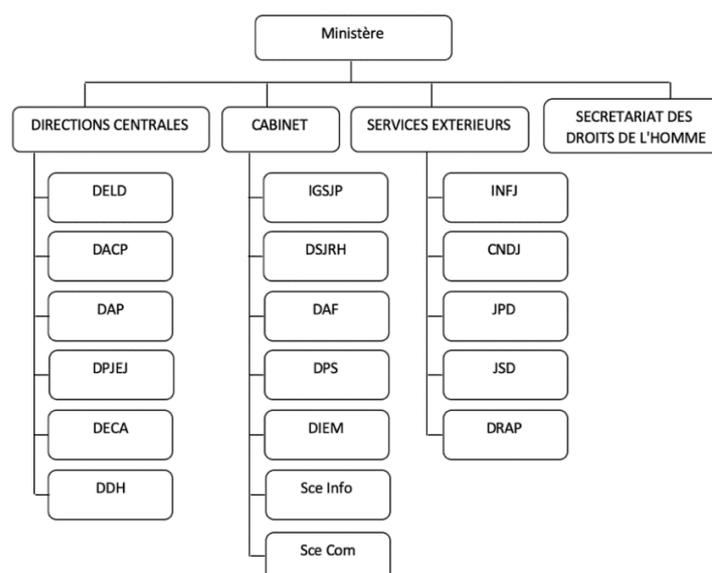
7.2 Governance and judicial sector

7.2.1 Judicial system

The judicial system of Côte d'Ivoire was influenced by the former colonial country (France), and based on civil law. The constitution is the supreme law of the land and consists of the Civil Code, the Criminal Code, the Commercial Code (OHADA)¹⁴⁸, and the Labor Code. In addition to these codes, various customary laws are practiced by different ethnic groups and regions. The basic text governing the judicial system is Law No. 99-435 of July 6, 1999 (la loi n° 99-435 du 06 juillet 1999), which amends the 1961 law.

7.2.2 Organizational structure

As shown below, the Ministry of Justice and Human Rights (Ministère de la Justice et des Droits de l'Homme) is divided into four parts consisting of central directorates, the Cabinet, external services, and the Human Rights Secretariat.



Source : Ministère de la Justice et des Droits de l'Homme, 2020. Annuaire des statistiques judiciaires et pénitentiaires 2018-19

Figure 7.2 Ministry of Justice and Human Rights Organization Chart

Abbreviations

Central directorates (Directions Centrales)

- DELD : La Direction des Études, de la Législation et de la Documentation (The Directorate of Studies, Legislation and Documentation)
- DACP : La Direction des Affaires Civiles et Pénales (The Directorate of Civil and Criminal Affairs)
- DAP : La Direction de l'Administration Pénitentiaire (The Directorate of Prison Administration)

¹⁴⁸ A uniform law on commercial matters, which 17 countries in West and Central Africa are concerned (Organisation pour l'Harmonisation en Afrique du Droit des Affaires: OHADA)

- DPJEP : La Direction de la Protection Judiciaire de l'Enfance et de la Jeunesse (The Directorate of Judicial Protection of Children and Youth)
- DECA : La Direction du Contrôle de l'Etat Civil et des Archives (The Directorate of Civil Status and Archives Control)
- DDH : La Direction des Droits de l'Homme (The Directorate of Human Rights)

Cabinet (Cabinet)

- IGSJP : L'Inspection Générale des Services Judiciaires et Pénitentiaires (The General Inspectorate of Judicial and Penitentiary Services)
- DSJRH : La Direction des Services Judiciaires et des Ressources Humaines (The Directorate of Judicial Services and Human Resources)
- DAF : La Direction des Affaires Financières (The Financial Affairs Department)
- DPS : La Direction de la Planification et des Statistiques (The Planning and Statistics Department)
- DIEM : La Direction des Infrastructures, de l'Équipement et de la Maintenance (The Department of Infrastructures, Equipment and Maintenance)
- See Info : Le Service de l'Informatique (The IT Department)
- See Com : Le Service de la Communication et des Relations Publiques (The Communication and Public Relations Department)

External services (Services Extérieurs)

- INFJ : L'Institut National de Formation Judiciaire (The National Institute of Judicial Training)
- CNDJ: Le centre National de Documentation Juridique (The National Center for Legal Documentation)
- JPD: Les juridictions du premier degré (The courts of first instance)
- JSD: Les juridictions du second degré (The courts of second instance)
- DRAP: Les délégations régionales de l'Administration pénitentiaire (The regional delegations of the Prison Administration)

7.3 System of formal and informal justice

7.3.1 System of formal justice

The judicial system of Côte d'Ivoire, as shown in Figure 8.3, consists of courts of the first instance court (Tribunal de première instance) and their branches (Section détachée) of the lower courts, and Court of Appeal (Cour d'Appel) of the higher courts. The Supreme Court, consisting of the Court of Cassation (Cour de Cassation), the highest judicial court, and the Council of State (Conseil d'Etat), the highest administrative court. In addition, there is the Court of Auditors (Cour des comptes) and the Constitutional Council (Conseil constitutionnel), which controls the constitutionality of laws and administers the voting process for the presidential and parliamentary elections.¹⁴⁹

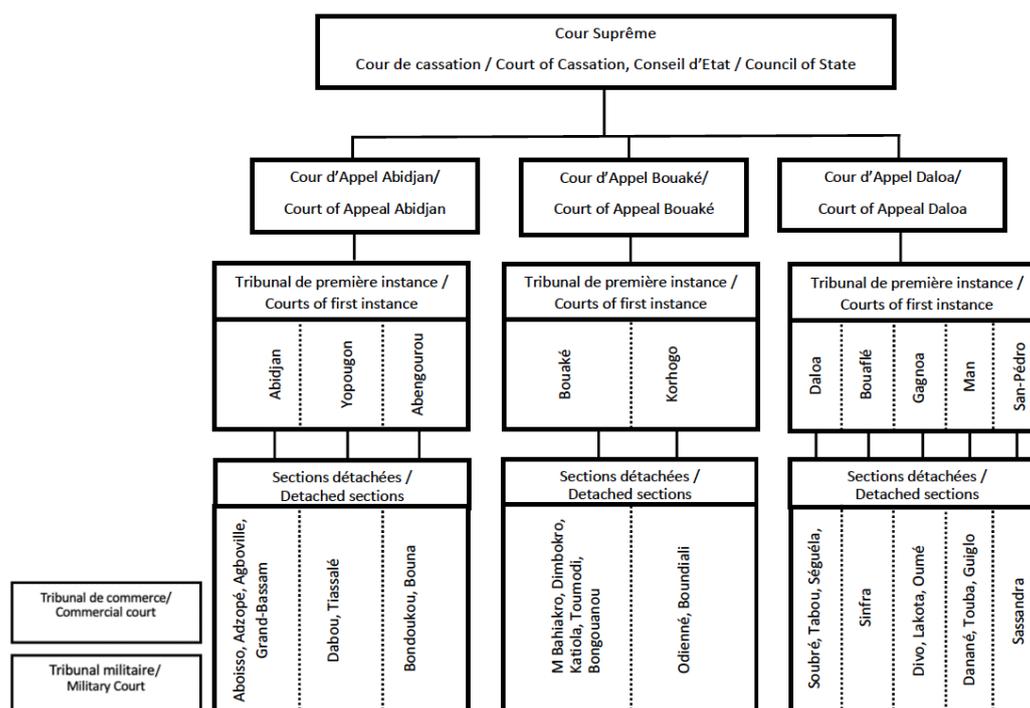


First instance court in Daloa

There are 10 courts of the first instance and 27 branches across the country. There are three courts of appeal nationwide (Abidjan, Bouake in the central region, and Daloa in the western region), and a new court of appeal will be established in Korogo in the north in October 2021.¹⁵⁰ Other exceptional courts include the commercial court (Tribunal de commerce) in Abidjan and the military court (Tribunal militaire), which adjudicates violations by the national army, gendarmerie, and national police.

¹⁴⁹ Présidence de la République de Côte d'Ivoire [url](#)

¹⁵⁰ Information based on interviews with the President of the Court of Appeal in Abidjan (23rd June in 2021)



Source : Ministère de la Justice et des Droits de l'Homme, 2020. Annuaire des statistiques judiciaires et pénitentiaires 2018-19

Figure 7.3 The court system of Cote d'Ivoire

7.3.2 Alternative dispute resolution systems

(1) Informal justice

Besides dispute resolution in the courts, in urban areas, the Mediator of the Republic (Médiateur de la République) ¹⁵¹ receives and handles complaints from public officials and public institutions. Also, there is the Common Court of Justice and Arbitration (Cour Commune de Justice et d'Arbitrage: CCJA), which conducts mediation and arbitration in the commercial field, the National Council for Human Rights (Conseil National des Droits de l'Homme : CNDH) receives complaints about human rights violations. In addition, there are conflict resolutions by district chiefs (Chefs de quartier) at each district (Quartier), as well as by Christian and Muslim leaders.

In rural areas, conflicts are settled usually through dialogue under the county government (Sous-Préfecture) and/or the village chief. The following section provides an overview of conflict resolution by villages, county governments, and religious leaders.

1) Village

In villages, which are the smallest administrative units, mediation on civil related disputes, such as land disputes and family problems, is mainly conducted under the supervision of the village chief (Chef de village). In the "Law on the Status of Kings and Traditional Chiefs" ¹⁵² promulgated in 2014, it is clearly stated that kings and traditional chiefs "shall conduct mediation for the prevention and management of crises and conflicts" and the law stipulates

¹⁵¹ Médiateur de la République [url](#)

¹⁵² Loi n° 2014-428 du 14 juillet 2014 portant statut des rois et chefs traditionnels de Côte d'Ivoire [url](#)

that they are responsible for conflict resolution. Dispute resolution at the village level is supposed to be a form of reconciliation based on dialogues between the disputants. In general, the chief does not judge things right or wrong and blames the perpetrators. If the village is unable to resolve the dispute, it is brought to the county government, as described below.

Criminal cases such as injury, murder, rape, and GBV such as FGM were sometimes mediated at the village level in the past, but recently there have been cases of collaboration and cooperation with public institutions such as police, gendarmerie, and social centers (Centre social). It is said that this is due to awareness-raising efforts by NGOs¹⁵³.

2) County government (Sous préfecture)

In addition to urban residents, disputes that have not been resolved at the village level are brought to the county government (sous préfecture), which has jurisdiction over villages. At the request of the parties to the dispute, the county prefect and county government officials listen to the opinions of both sides, as do the village chiefs, and conduct mediation for reconciliation through discussion and social cohesion among the residents.

3) Religious leaders

The major religions in Cote d'Ivoire are Islam and Christianity, and the Muslim imams and Christian priests and pastors are asked by believers who have conflicts for consultation and mediation. In Islam, mediation is based on the Quran, and in Christianity, mediation is based on the Bible. In the case of Christians, the first step is to consult with the church they attend regularly, and if the dispute cannot be resolved, it is taken to the church at the regional level. If no settlement can be reached at the regional level, mediation takes place at the national level church.

7.4 Basic information on legal practitioners

7.4.1 Number of legal practitioners

(1) Lawyers (Avocats)

There are 700 lawyers registered with the Côte d'Ivoire Bar Association, of which 593 are active. Of these, 425 (72%) are men and 168 (28%) are women, with women accounting for less than 30% of the total. The majority of lawyers reside in Abidjan, and in the provinces, there are only three lawyers' offices in Bouaké (the second largest city), one in Daloa (the third-largest city), and one in Man (a city in the west). It is extremely difficult to access lawyers outside of Abidjan.

(2) Judges and Prosecutors (Magistrats)

In Côte d'Ivoire, similar to the French system, judges and prosecutors are the same professional group as Magistrats. As of 2019, there are 700 Magistrats¹⁵⁴, 496 (71%) of whom are male and 204 (29%) female, a similar gender ratio to lawyers, with a smaller percentage of women.

¹⁵³ It is administered by two ministries: the Ministry of Employment and Social Protection (Ministère de l'emploi et de la protection sociale) and the Ministry of Women, Family and Children (Ministère de la Femme, de la Famille et de l'Enfant). The former provides support for vulnerable groups (mainly women and children), while the latter operates social centers for the disabled and pre-school children.

¹⁵⁴ Ministère de la Justice et des Droits de l'Homme (2020) Annuaire des statistiques judiciaires et pénitentiaires 2018-2019 [url](#)

7.4.2 Qualifications

(1) Lawyers

The eight-member countries of the West African Economic and Monetary Union Commission (Union Economique et Monétaire Ouest Africaine : UEMOA)¹⁵⁵, including Côte d'Ivoire, Senegal, and Niger, which are the target countries of this study, have Community regulations on the harmonization of the legal profession. A common qualification for lawyers has been established by the same regulation¹⁵⁶. The requirements for admission to the bar are a Master of Law (Master 2 en droit or Maîtrise en droit), but the number of times an applicant may take the bar examination is limited to three.

In Côte d'Ivoire, the qualifying examination for lawyers is prepared by the Bar Association in cooperation with the law faculties of national universities and other institutions, and administered by the Bar Council. Those who pass the exam receive 12 months of training in school, after which they take the exam to obtain the Certificate of Lawyer Profession (Certificat d'Aptitude à la Profession d'Avocat: CAPA). Currently, the Bar Association does not have a training center, so lectures are held in a classroom at the Université Felix Houphouet Boigny (UFHB) in Abidjan, the largest university in the country. The lecturers are lawyers and professors from the law department of UFHB, and after obtaining the CAPA, students undergo three years of practical training at a law firm before being officially admitted to the bar. The training can be conducted in any UEMOA member country. The judicial officers and professors of law (Professeurs agrégés) with more than 10 years of experience are eligible to become lawyers without passing the qualifying examination.

(2) Magistrates

Magistrates are trained at the Ecole de la Magistrature within the Institut National de la Formation Judiciaire (INFJ). The qualifications for the judicial academy are a Master in Law (Master 2 en droit or Maîtrise en droit), good health (the results of a medical examination must be submitted), and in principle, being under 40 years old. However, exceptions are made for those over 40, and an extension of one year is granted for each child. As with lawyers, Professeurs agrégés can become Magistrates without having to take an entrance exam.

The first year is mainly classroom-based, reinforcing the knowledge acquired in the master's program, as well as learning English and accounting, etc. The second-year consists of practical training at the court. After the practical training, they will prepare and present a training report to complete the curriculum and qualify as judicial officers.

The Ministry of Justice has cited the goal of training 50 judicial officers every year to make up for the shortage of Magistrates, but the number of applicants is adjusted by the Ministry of Economy and Finance according to their budgets and cannot be decided by the INFJ. The number varies from year to year, but for the past few years, it has been 25 students per year, but the number of candidates is approximately 1,000 each year. The number of female students is about 30%, and a quota system that gives priority to female students was not introduced¹⁵⁷.

¹⁵⁵ The eight member countries are Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali, Niger, Senegal, and Togo, which use the CFA franc issued by the Central Bank of West African States.

¹⁵⁶ N° 05/UEMOA relatif à l'harmonisation des règles régissant la profession d'Avocat dans l'espace l'Union Economique et Monétaire Ouest Africain (UEMOA) [url](#)

¹⁵⁷ Interview with INDJ (24th June 2021)

7.4.3 Training

In addition to the initial training mentioned above, the INFJ provides continuous training for current lawyers and Magistrates. For lawyers, the training is organized by the bar association as needed. As for Magistrates, the INFJ provides continuing training as well as initial training, but due to a lack of sufficient budget, the training is often funded by donors¹⁵⁸.

7.4.4 Lawyers involved in the dispute resolution

(1) Role of lawyers in dispute resolution

Besides their regular legal work, lawyers play a major role in resolving disputes in formal justice, including defense in felony courts (Tribunale de criminal)¹⁵⁹ in the courts of the first instance, and defense through legal aid for the poor who cannot pay legal fees.

(2) Remuneration structure

According to the above-mentioned UEMOA regulations on the practice of law, the remuneration of lawyers can be set freely by each individual, and there is no minimum or maximum limit to the amount of remuneration. Although there is no information available on the general remuneration system, the amount of remuneration for criminal cases is usually higher than that for civil cases.

For legal aid and court-appointed defense counsel, the Ministry of Justice pays a fee of FCFA 200 thousand (approximately US\$ 360) per case through the Bar Association. The fee remains the same even if the trial is held outside of Abidjan, and transportation and accommodation expenses are not paid separately¹⁶⁰. Since the majority of lawyers reside in Abidjan, it is very difficult for lawyers to travel to the provinces for legal aid and court-appointed defense.

(3) Pro bono activities

The bar association has been conducting pro bono activities on an irregular basis. In addition, according to the director of the bar association, board members are supposed to conduct five pro bono activities per year, and they provide free legal services¹⁶¹.

7.5 Social needs analysis for access to justice

7.5.1 Common disputes and means of resolutions

Cote d'Ivoire has more than 60 ethnic groups divided into five linguistic groups and three major regional divisions: Eastern, Western, and Northern. The population of Côte d'Ivoire is approximately 22 million (2014) and consists of 2 autonomous regions, 31 regions, and 108 departments. This survey was conducted in two urban and four rural areas based on ethnicity, region, religion, and population size, as shown in the table below.

¹⁵⁸ Interview with INDJ (24th June 2021)

¹⁵⁹ Article 281 de la loi n° 2018-975 du 27 décembre 2018 portant Code de Procédure pénale [url](#) According to the Penal Code, a felony (Crime) is defined as a sentence of life imprisonment or confinement for more than 10 years. (Code pénal, [url](#))

¹⁶⁰ Interview the Bar Association (June 23, 2021)

¹⁶¹ *ibid.*



Source: JICA Survey Team

Figure 7.4 Survey areas in Cote d'Ivoire

Table 7-1 Overview of the survey areas in Cote d'Ivoire

Area	Name	Overview
Urban	Abidjan	The capital of Côte d'Ivoire and the administrative and economic center of the country. It is home to 4.7 million people, about one-fifth of the population.
	Bouaké	The second-largest city in the central part of the country, with a population of 530,000. The city is home to many Baoulé people of Akan descent, the largest language group. The city is also home to a large number of immigrants, including Malians.
Rural	Bouaké	Ibid. In the provinces, there are many Baoulés, who constitute a hierarchical society with the king at the top.
	Korhogo	It is the fourth largest city in the north, with a population of about 243,000. It is home to a large population of Senufos of Voltaic group, the second-largest language group in the population. Muslims make up the majority of the population.
	Daloa	It is the third-largest city in the western part of the country, with a population of 245,000. It is the fourth largest city in terms of population size and is home to the South Mandeau Guros, the fifth-largest language group, and the Kuru Betes. It is a major producer of cocoa and is home to many immigrants from the central and northern Ivory Coast and Burkina Faso.
	Séguéla	A city located in the north-central part of the country, with a population of 190,000. It is home to the Malinke people, the third-largest language group in the country. The city is predominantly Muslim, and its main industry is cattle breeding.

Source: Institut National de la Statistique Cote D'ivoire (2014) Recensement Général de la Population et de l'Habitat, etc.

(1) Common dispute

Legal issues in urban areas are often land conflicts, such as disputes over land rights, theft of motorcycles, labor and employment relations regarding dismissal and salaries, property inheritance, marriage, divorce, child custody, and domestic violence. In rural areas, land disputes such as multiple people claiming rights to the same land in all surveyed areas, and conflicts between pastoralists and farmers such as livestock destroying farmland in central and western areas are also observed. In addition, there are family problems such as inheritance of property, marriage, divorce, custody of children, and theft of motorcycles, crops, livestock, etc., curses by evil spirits, rape,

domestic violence. In the western part of the country where there are many migrants from sub-region, GBV such as early marriage, forced marriage, and FGM are reported.

Table 7-2 Main conflict issues

Urban Area	Rural Area
<ul style="list-style-type: none"> ● Land disputes (scarcity of land, unclear land rights) ● Theft (motorcycles, etc.) ● Employment issues ● Property inheritance ● Marriage, divorce, child custody ● GBV (domestic violence, etc.) 	<ul style="list-style-type: none"> ● Land disputes (scarcity of land, unclear land rights) ● Theft (motorcycles, crops, livestock, etc.) ● Curses due to witchcraft ● Inheritance of property ● Marriage, divorce, child custody ● GBV (early marriage, forced marriage, FGM, DV, rape)

(2) Challenges for vulnerable groups

In Côte d'Ivoire, there is no specific definition of vulnerable groups, but in general, they are orphans, widows, disabled, and elderly without relatives. No specific legal issues related to vulnerable groups were observed, and they are said to face the same legal challenges mentioned above.

7.5.2 Public perception towards the judicial system

In general, confidence in formal justice is not high in both urban and rural areas. In urban areas, mediation by Christian and Muslim religious leaders is often observed, while in rural areas, informal conflict resolution by village chiefs, county chiefs, and religious leaders is preferred. This is said that formal justice is expensive and time-consuming, as well as the poor image of the courts, which are generally considered to be overly corrupted. In addition, instead of seeking to reconcile the disputants, the courts are seen as dividing the parties into winners and losers, which worsens the relationship between the parties and harms the community at the village level. In addition, lack of legal knowledge and judicial procedures is considered to be one of the factors why informal justice is preferred. Although cooperation and collaboration with formal justice are increasing in criminal cases such as GBV, it is said that some cases are still mediated at the village level and not reported to official authorities because it is considered to be a disruption of social cohesion if village residents go to prison. This tendency is to be stronger in the case of conflicts between people of the same ethnicity and lower in the case of conflicts between people of different ethnicities.

7.6 Policies and institutions for access to justice

7.6.1 National policies on access to justice

(1) National Policy: Justice Sector Action Plan 2016-2020 (Plan d'actions du secteur de la justice : 2016-2020 : PAPS2)

The Ministry of Justice has developed the Justice Sector Action Plan 2016-2020 (PAPS2) in line with the National Development Plan 2016-2020 (Plan National de Développement). The overall vision of PAPS2 is to provide citizens with fair and good-quality access to justice, consistent with the first strategy of PND 2016-2020, "Good-Quality Institutions and Good Governance in All Forms". The vision consists of four pillars and outcome objectives that support each pillar:

1. Improve citizens' access to justice;
2. Strengthen the transparency, trust, and capacity of the justice system;
3. Improve the prison system in accordance with international standards;
4. Improve the prevention, reception, care, and social cohesion of juveniles coming into contact with the justice system.

Access to justice is the first pillar of PAPS2, with two outcome targets: 1) to improve economic and social barriers to access to justice, and 2) to improve geographical access to justice. The former aims to set up financial mechanisms for legal counseling and legal aid systems in particular, while the latter aims to improve physical access to justice by building new courts of appeal, courts of the first instance, and prisons. In the second pillar of PAPS2, "Strengthening the transparency, trust, and capacity of the judicial system", the digitalization of the judicial system and prisons is listed as an outcome goal.

(2) Legal Aid Law

Articles 27 to 31 of the Code of Civil Procedure enacted in 1972 contain provisions on legal aid (*Assistance Judiciaire*), which stipulated the provision of legal fees and other expenses to persons without financial resources¹⁶². In accordance with this law, the local legal aid office (*Bureau National de l'Assistance Judiciaire*: BLAJ) was established in the Department of Civil and Criminal Procedure (DACP) of the Ministry of Justice in 1972. After the end of the civil war in 2011, the need for judicial assistance increased but the BLAJ was located in Abidjan, which makes it difficult for those living in rural areas to access it. Therefore, the need to modify the system was prompted.¹⁶³

By a 2016 decree¹⁶⁴, BLAJs were established in 10 courts of the first instance and 27 court branches in various regions. Residents can now apply for legal aid at nearby courts.

7.6.2 Institutions and jurisdiction on access to justice

The department in charge of access to justice is the Department of Civil and Criminal Affairs (DACP) of the Ministry of Justice. Under DACP, the Department of Civil and Seal Affairs (*Direction Chargé des Affaires Civiles et du Sceau*) of the Ministry of Justice, which oversees legal aid and organizes statistics on the number of applications and grants of legal aid received by the regional offices of legal aid nationwide.

7.6.3 Legal aid system and service

(1) Overview of legal aid

As mentioned above, legal aid has been decentralized since the establishment of the legal aid local office in 2016 and is implemented by each local court. The procedures are as follows:

¹⁶² Loi n° 72-833 du 21 décembre 1972 portant Code de procédure civile, commerciale et administrative en ses articles 27 à 31 relatifs à l'assistance judiciaire.

¹⁶³ Interview with the Department of Justice, Civil and Seal Department (*Direction des Affaires Civiles et du Sceau*: DASC), June 25, 2021.

¹⁶⁴ DECRET n° 2016-781 du 12 Octobre 2016 fixant les modalités d'application de la loi n° 72-833 du 21 Décembre 1972 portant Code de procédure civile, commerciale et administrative relativement à l'assistance judiciaire

- Those who need legal fees but cannot afford them due to a lack of financial resources should apply to the legal aid local office. The application should include the reason for the application and a certificate of tax exemption to show that the applicant has no financial resources;
- Hearings are held at the local courthouse where applicants explain their reasons for applying for legal aid and their lack of resources. Hearing is conducted by seven members: the president of the court or his deputy (magistrate), a clerk, a bailiff, a lawyer, a representative of the department of revenue, a representative of the Ministry of Social Protection, and a representative of civil society. A public hearing can be held if three of these members are available, and in rural areas, it is mainly held with the court president, clerk, and magistrate; and
- Once the decision to grant legal aid is made at the hearing, a notification letter is issued by the legal aid local office. About 90% of the applicants request assistance for legal fees in court and they submit the notification letter to the Bar Association in Abidjan to request a lawyer.

Other felony trials in the court of the first instance require defense by an attorney. For those who are unable to hire a lawyer due to a lack of financial resources, the government asks the bar association to provide a court-appointed defense attorney.

(2) Budget for legal aid

The legal aid budget is managed by the Finance Department of the Ministry of Justice. Ministry of Justice has long expressed its intention to establish a legal aid fund¹⁶⁵, but it has not been established. The budget for legal aid is about 170 million FCFA (about US\$307,700)¹⁶⁶. 90% of the requests for legal aid are legal fees, and the remuneration paid by the government to the bar association is 200,000 FCA per case. However, most of the lawyers reside in Abidjan, and even when they represent themselves in local courts, they are not provided with transportation and accommodation expenses. As a result, the legal aid system itself doesn't function because it is not practicable to provide legal aid in rural areas. Similarly, for felony trials held in rural areas, transportation and accommodation expenses are not paid even when lawyers are requested to be court-appointed defense attorneys. This makes it difficult for them to participate in the trials, which leads to the postponement of felony trials and prolongation of the period of detention¹⁶⁷.

(3) Provision of legal consultation and the types of providers and users

1) Legal aid local office (BLAJ)

According to the Civil and Seal Affairs Department of the Ministry of Justice, which oversees legal aid local offices nationwide, the number of applications for legal aid, the number of cases processed, the number of decisions to grant, and the number of applications rejected since the system was launched in 2016 are as follows:

¹⁶⁵ Interview with UNDP Côte d'Ivoire office (February 17, 2021).

¹⁶⁶ Meeting with DACP (November 24, 2021)

¹⁶⁷ Interviews with the Bar Association (June 23, 2021), local NGOs, and the Daloa Court of First Instance (July 4, 2021).

- From the establishment of BLAJ in 2016 to July 31 in 2019
Number of applications: 555; Number of applications processed: 532; Incomplete documents: 23; Grant decisions: 440; Rejected applications: 70; Under process: 22
- January 1 in 2020 to February 26 in 2020 (statistics not available after March in 2020 due to the spread of Covid-19)
Number of applications: 86; Number of applications processed: 37; Grant decisions: 3, Rejected applications: 3, Under process: 49
- From January 1st in 2021 to April 23rd in 2021
Number of applications: 73; Number of applications processed: 65, Grant decisions: 49, Rejected applications: 7, Under process: 6

Regarding the number of applications from the establishment of the BLAJ in 2016 to July 31 in 2019, out of the 555 cases, 344 (62%) are under the jurisdiction of the Abidjan Court of Appeals, 20 (4%) are under the jurisdiction of the Bouake Court of Appeals (Central and Northern), 187 (34%) are under the Daloa Court of Appeals (Western), and Four cases (1%) are in the Commercial Court. Although Bouake is the second-largest city in the country and covers jurisdiction over Korogo (the fourth largest city), the number of applications in Bouake is very low.

2) NGOs

The Women Lawyers Association of Cote d'Ivoire (Association de Femmes Juristes de Côte d'Ivoire: AFJCI) operates several legal clinics throughout the country to provide free legal advice and assist the poor in preparing documents to apply for legal aid. In Abidjan, where AFJCI's headquarters are located, legal advice by phone is also available, but users have to pay a usage fee. The Ministry of Justice has amended the law to make the legal clinics a part of the organization of the Ministry of Justice. It is expected that the amendment will ensure the sustainable operation of the legal clinics.



GIZ funded Mobile Legal Clinic

3) Religious organizations (Islamic mosques, Christian churches)

Some Muslim mosques allocate 2.5% of their income to support the vulnerable groups. Also, donations are mobilized from their congregations on an ad hoc basis to support the poor who need legal fees. Some Christian churches also donate money to those who need to pay for court costs¹⁶⁸.

¹⁶⁸ Interviews in Abidjan and Bouake (March and April 2021)

4) Paralegals

Paralegals have not been institutionalized in Côte d'Ivoire and there appear to be no plans to establish paralegals at this time. According to the DACP of the Ministry of Justice, paralegals are NGO staff who provide legal information and legal advice in legal clinics. However, there is no official definition of Parajuriste, the French translation of paralegal, and the difference between the commonly used terms Juriste¹⁶⁹ and Parajuriste is ambiguous. If the staff of the NGO of the legal clinics are considered as paralegals, the number of paralegals is estimated to be around 100 in the nationwide.

(4) Measures to improve the quality of access to justice

As mentioned above, the amount of remuneration paid to lawyers is insufficient outside of Abidjan, and the legal aid system in rural areas is not functioning well. To ensure legal aid by lawyers and felony trials in rural areas, the remuneration for lawyers should be raised.

7.6.4 Call center operation

(1) Ministry of Justice

There is a call center at the Department of Civil and Criminal Affairs (DACP) under the Ministry of Justice, which was established in December 2016 with the support of JICA. UNDP and GIZ have also increased the number of personnel, provided equipment, and strengthened its functions. Initially, there were two operators, but this has now been increased to five. The salaries of these five operators are paid by the Ministry of Justice. The role of the call center is to provide information and support to those who need it, and the five operators are not legal professionals, but the supervisor of the call center is a legal professional (clerk) who provides technical support to the operators.

The main issues that come to the call center are civil matters. Specifically, they are related to marriage, how to obtain Ivoirian nationality, how to obtain a certificate of nationality, Etat civil (civil registry), housing lease contracts, dismissal, and unfair salary reductions. When the call center was first set up in 2016, there were about 100 Questions&Answers, but the number has gradually increased to 639 according to the consultations received.

Below is the number of calls received by gender since the introduction of the call center in 2016.

Table 7-3 Number of calls received by the call center

Year	Male	Female	Total
December 2016	16	68	84
2017	1,218	434	1,652
2018	737	190	927
2019	470	170	640
2020	480	223	703

Source: : Ministry of Justice

The number of calls received by the call center has been decreasing since 2017, and the Ministry of Justice recognizes the need to strengthen public relations to increase the number of calls received. In addition, the majority of calls are from residents of Abidjan, and publicity in rural areas is one of the challenges. In addition, although it

¹⁶⁹ In French-speaking countries, including Côte d'Ivoire, a juriste (legal advisor) is a person who is not qualified as a lawyer but has a master's or doctorate degree in law and who works in the legal department of a private company or provides legal advice to an NGO.

has been about five years since the establishment of the call center, it has not obtained a toll-free number (numéro vert). Therefore, the call center has introduced consultations on Facebook since 2021, and the number ¹⁷⁰of consultations received on Facebook is about 50 per day, which is much higher than those received through the telephone. In the future, Facebook is hopefully expected to expand its consultation service and enhance its functions, such as adding free calls via messenger.



MOJ Call center signage



MOJ Call center

(2) National Human Rights Council (Conseil National des Droits de l'Homme: CNDH)¹⁷¹

CNDH has a call center with a toll-free number for consultations on human rights violations. In 2020, there were 1,765 consultations and reports on human rights violations. 59% of these consultations and reports were made by visiting the office, and the contact through the call center accounted for about 27% (476 cases). In addition, 11% of human rights violations were confirmed by the CNDH itself, and only 1.7% by email and SNS (Facebook, Twitter).

(3) NGOs

As already mentioned, there is no toll-free number at the Abidjan headquarters of AFJCI (The Association de Femmes Juristes de Côte d'Ivoire), but free legal consultations are available by phone. The legal clinics in various parts of the country also provide legal advice by phone.

(4) Cost for an installment of call center

The cost of setting up the call center was funded by JICA, and the Ministry of Justice did not have details for installment costs.

¹⁷⁰ Interview with Call center under Ministry of Justice Call Center, June 22, 2021.

¹⁷¹ An independent body established by No. 2018-900 of 30 November 2018 (Loi n°2018-900 du 30 Novembre 2018), whose purpose is to advise, investigate and evaluate governments and government-related bodies on the promotion, protection and defence of human rights (Loi n°2018-900 du 30 Novembre 2018) [ulr](#)

7.7 Infrastructure supporting access to justice and public relations

7.7.1 Communication infrastructure

Radio coverage is 98% and TV coverage is 96%, almost 100%¹⁷². On the other hand, the internet penetration rate is 36% (2019)¹⁷³, which is lower than that of radio and TV and is not widely available to all citizens.

7.7.2 Education system

(1) Primary and secondary education

Human and civil rights education (Éducation aux Droits de l'Homme et à la Citoyenneté : EDHC) is provided in primary and secondary education. In the sixth grade, students learn about the obligation to pay taxes, democracy, the role of parliament, traffic rules, environmental protection and maintenance of the public property, as well as other topics that are relevant to the social context, such as what a child soldier is and avoiding unwanted pregnancies. In the third year of junior high school, students learn about the same topics as in the sixth grade EDHC, but the content is more specific and advanced.

(2) Higher Education

In the faculty of law in university, students learn the basics of law in the first and second years and then divide into public and private law in the third year. In the French-speaking countries' education system, a bachelor's degree (Licence) can be obtained in three years and a master's degree (Master) in two years. In the first year of the master's program, students are divided into courses in public or private law. The following table shows the curriculum of the Faculty of Law at the Université Félix Houphouët-Boigny (UFHB) in Abidjan.

Table 7-4 Overview of UFHB's Law Degree curriculum

First-year	Second-year	Third-year	
Compulsory subjects <ul style="list-style-type: none"> ● Introduction to law, economic policy ● Constitution ● Civil code ● Institutional history, international relations ● Introduction to human rights 	Compulsory subjects <ul style="list-style-type: none"> ● Administrative law ● Civil law ● Criminal law ● Civil proceedings act (1890, revised in 1926) ● Criminal procedure code ● Public finance, economic policy, institutional history Optional subjects <ul style="list-style-type: none"> ● Environmental laws ● Community law 	[Public law] <ul style="list-style-type: none"> ● Public international law ● Government property law (1948) ● Taxation law ● Labor law, commercial law, sociology, political science ● Human rights, public liberties, legal English, it ● Decentralization law ● Health law, social security 	[Private law] <ul style="list-style-type: none"> ● Social law, labor law ● Civil law (general system of debt), the law of property rights, social security ● General commercial law ● Land law, legal English ● Civil trial law,

Table 7-5 Overview of UFHB's Master of Laws curriculum

First-year		Second-year	
[Public Law] Compulsory subjects <ul style="list-style-type: none"> ● Economic public law 	[Private Law] Compulsory subjects	[Public Law] Compulsory subjects <ul style="list-style-type: none"> ● General Theory of Law ● constitution 	[Private Law] Compulsory subjects <ul style="list-style-type: none"> ● General Theory of Law

¹⁷² Ministère de la Communication, de l'Économie Numérique et de la Poste 2017, Étude-diagnostique de la situation des médias: Presse, presse en ligne, radio et télévision, entrave à la professionnalisation et mesures correctives [url](#)

¹⁷³ World Bank, Individuals using the Internet (% of population) [url](#)

<ul style="list-style-type: none"> ● Public Office Law, Administrative Law ● International Organization Law ● International Humanitarian law ● Administrative litigation ● Environmental laws ● City Planning Act Optional subjects ● Foreign Relations Law 	<ul style="list-style-type: none"> ● Collateral for assignment of claims (Commercial Code) ● Civil Law (Marriage, Inheritance, Gift Law) ● Criminal law ● Contracts ● Business Tax Law ● Private international law ● English, IT Optional subjects ● Insurance law, banking law, intellectual property rights, traffic law 	<ul style="list-style-type: none"> ● administrative law ● public international law Master's thesis 	<ul style="list-style-type: none"> ● Civil Trial Law ● Private international law Master's thesis
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(3) Adult education

NGOs visit villages and also conduct awareness-raising activities on the law through community radio. When new laws are promulgated, there are no specific awareness-raising activities conducted by the government, and adults have little opportunity to learn about laws and judicial procedures¹⁷⁴.

7.7.3 Public relation tools

(1) Home Page

The website of the Ministry of Justice contains the latest news, a yearbook of judicial statistics, a list of precedents of the Abidjan Court of Appeals, Court of First Instance, and Commercial Court, a map of the location of courts and prisons, and frequently asked questions. The FAQ section provides only seven items.

(2) Social Media

The most widely used SNS in Côte d'Ivoire is Facebook, and there are not many users of other SNS such as Twitter. The Ministry of Justice disseminates information on Facebook, but does not use mobile applications for publicity; NGOs such as AFJCI also disseminate their activities on Facebook but do not use mobile applications for publicity or awareness-raising.

(3) Traditional Media

NGOs have been using radio and television programs to raise awareness about the law and the judicial system. According to a survey on the agricultural census, 93% of farmers use state-run radio, 56% use community radio, 46% use state-run TV, and only 3% use newspapers, indicating that radio is the primary means of information dissemination¹⁷⁵ and that traditional media is an effective means of raising awareness in rural areas.

¹⁷⁴ Interviews in Abidjan, Bouake, Korogo, Segera, and Daroa (March, April, and May 2021)

¹⁷⁵ Ministre de l'Agriculture et en Côte d'Ivoire du Développement Rural 2017, Recensement des Exploitants et Exploitations Agricoles (REA) 2015/2016

7.8 Introduction of ICT in the judicial system

7.8.1 Polices of ICT introduction in the legal system

As already mentioned, in the second pillar of PAPS2, "Strengthening the transparency, trust, and capacity of the judicial system", the introduction of ICT in the judicial system and prisons is an outcome goal. However, the preconditions for the introduction of ICT are not yet in place, such as the lack of internet access in the courts¹⁷⁶. On the other hand, a pilot project for the digitization of court proceedings is underway in three courts in the country, including the Abidjan Court of First Instance¹⁷⁷. The judgment records of the courts in Abidjan are available on the website of the National Legal Document Center¹⁷⁸. In the courts outside Abidjan, the judgment records will be published in the future.

7.8.2 Current status of ICT adoption

(1) e-filing, e-case management

Neither e-filing nor e-case management has been introduced, although the necessary legislation has been prepared for their introduction. According to the presidents of the court of appeal in Abidjan and Daloa, they expressed their desire to digitize court proceedings from the initiation of a lawsuit to the decision, but the courts have not yet deployed Internet connections and there is a lack of IT equipment.

In the USAID Projustice Project, which has already been completed, the Bureau d'Ordre Pénal (Criminal registry office) has been set up in the 10 pilot courts. This is an initiative to computerize the procedures of criminal trials and is still in use even after the completion of the project. The Ministry of Justice has indicated its intention to roll out the Bureau d'Ordre Pénal nationwide, but so far it has not been introduced to all courts in the country.

(2) e-court

The e-court system is not yet operational and there are no plans to introduce it at this time.

7.9 Donor funded activities

The major donors working in the area of access to justice are UNDP, GIZ, and the EU.

(1) UNDP

The following project was being implemented until January 2021. The project is supporting the strengthening of the functioning of the Judiciary Call Center. UNDP is currently under review for the governance sector, including the judiciary, in line with the Country Programme Document (CPD) 2021-2025 elaborated by the UNDP Côte d'Ivoire office.

- Project name: Strengthening Justice and Security in Response to Sexual and Gender-Based Violence (SGBV) Project (Projet d'appui au renforcement de la justice et des services de sécurité intérieur dans la réponse aux VSBG en Côte d'Ivoire (PARR/VSBG))

¹⁷⁶ Interview with the Abidjan Court of Appeal, Abidjan Court of First Instance (June 23, 2021) and the Daloa Court of Appeal, Daloa Court of Grand Instance (July 25, 2021)

¹⁷⁷ Interview with the Civil and Criminal Division of Ministry of Justice (June 23, 2021)

¹⁷⁸ <https://cndj.ci/decisions>

- Donor: U.S. Embassy in Côte d'Ivoire
- Target institutions: National Police, Military Police, Ministry of Justice, Courts, Legal Aid District Offices
- Period: 2017 - January 2021
- Budget: Approximately US\$ 1.1 million
- Activities:
 - Conducted training for judicial officers, lawyers, police, and gendarmerie officers. Established gender desks in police and gendarmerie stations in four southwestern provinces. Worked with AFJCI, a local NGO, to assist SGBV victims in obtaining legal aid at local legal aid offices set up by the Ministry of Justice. Transportation and accommodation expenses were provided for lawyers to travel to rural areas as part of their legal aid work.
 - Reinforced the call center established by JICA in 2016. The support included the addition of telephone lines, provision of personal computers, improvement of software, enhancement of public relations, and strengthening of coordination with SGBV victims' support partners.

(2) GIZ

The following projects are currently being implemented to promote access to justice, support the development of laws to promote entrepreneurship, and promote Judicial Integrity. This project is a regional program and is also being implemented in Ghana and Tunisia.

- Project name: Improving Access to Justice and Supporting Women's Cooperatives Project (Projet d'amélioration de l'accès au Droit, à la Justice et d'appui aux coopératives féminines: PAJAF)
- Target organizations: Ministry of Justice, Bar Association, NGOs, Ministry of Small and Medium Business Development, etc.
- Implementation period: 2018-2021 (to be extended to 2024)
- Budget: approximately 11.9 million euros
- Target area: Nationwide, NGO activities in central (Bouake), northern (Korogo), and western (Daloa) regions
- Activities
 - To strengthen the functions of the call center established with JICA support, the project expanded the server, installed a simultaneous call receiving system, purchased PCs, updated manuals, and provided support for increasing the number of operators.
 - As support for local NGOs, two trucks were provided to AFJCI, which operates a legal clinic, for the operation of mobile legal clinics. Maintenance and fuel costs of the trucks are also being supported. In addition, through the Bouake Platform for Peace and Democracy in Civil Society (Plateforme de la Société Civile pour la Paix et la Démocratie: PSCPD), legal awareness activities were conducted.
 - Initially, the project was scheduled to support the digitization of the civil registry (Etat civil), but the government could not agree on this, so the project had been changed into support through call centers and other means.

- In Senegal and Benin, the legal aid funds are managed by the Bar Association rather than the Ministry of Justice. To learn more about this case, a study tour to Senegal was conducted with lawyers from the Bar Association and officials from the Ministry of Justice.

(3) EU

The EU implemented a comprehensive support project for the justice sector after the 2011 civil war and is currently implementing the following projects related to access to justice

- Project Title: Support for the Implementation of the Côte d'Ivoire Identity Register and Identification (Appui à la mise en œuvre de la Stratégie nationale de l'état civil et de l'identification de Côte d'Ivoire)
- Implementation period: January 2021 - June 2023
- Budget: 500 million euro
- Implementing Agency: Civipole
- C/P Agency: National Office of Civil Status and Identification (Office National de l'Etat Civil et de l'Identification : ONECI)
- Activities:
 - Technical assistance in supporting the development of a national strategy for Etat civil (civil registry)
 - Support ONECI's strategy for publicity and awareness
 - Implementation of a pilot project to deal with those who have not registered their births and deaths.

(4) AFD

AFD is planning to implement a justice assistance project starting in 2023 in the framework of a Debt Reduction-Development Contract (Contrat de Désendettement et de Développement, C2D).

- Project Name: C2D Justice Project (Projet C2D Justice)
- Implementing period: 2023-
- Activities:
 - Improving access to justice: operational support for 8 judicial clinics nationwide, construction of courts
 - Modernization of the judiciary: ICT in three courts of the first instance under the jurisdiction of the Abidjan Court of Appeal and ICT training of staff
 - Human Rights: Working with NGOs (LIDHO, MIDH, PRSF) to provide rights awareness, support for juvenile justice, and support for prisons (improving health care conditions and water and sanitation in prisons)
 - Project Governance

7.10 Challenges of access to justice in the country

Challenges to the system of access to justice include an insufficient budget for legal aid, lack of human resources, regional disparities, lack of legal knowledge, and sustainability issues.

- **Budget shortfalls and regional disparities in legal aid**
As mentioned above, legal aid can be applied for the courts in each region and the applicant can receive support for legal fees. However, transportation and accommodation expenses are not paid when lawyers

go outside Abidjan. Since most of the lawyers reside in Abidjan, the legal aid system is practically not functioning in the rural area. Similarly, for felony trials in local courts of the first instance, even if lawyers are appointed as a court-appointed defense attorney, they cannot go to the rural area because transportation and accommodation expenses are not paid to them, resulting in felony trials not being held in the local area and prolonging the period of pending detention.

- **Lack of human resources**

There is a shortage of Magistrates, but enough budget is not provided to increase the number of officers. A lot of cases that cannot be handled by a single judicial officer are issued, which is one of the reasons for the prolonged period of pending detention.

- **Lack of legal knowledge**

The language used in the courts is French, but even for French speakers as well as illiterate people, French legal terminology is difficult to understand, making it difficult to comprehend the law and legal procedures. This is considered to be one of the factors that hinder access to justice.

- **Corruption among judicial officials**

According to the result of the interviews, it is said that politicians and judicial officials are not judged, and the judiciary is not seen as impartial. This has been pointed out as a factor that increases the distrust of formal justice.

- **Social and cultural practices**

In certain communities, cultural practices related to GBV, such as early marriage, forced marriage, and FGM, are persistently practiced; the number of such practices is decreasing due to awareness-raising by NGOs, etc. When these practices are identified at the village level, cooperation and collaboration with public institutions such as the police, gendarmerie, and social centers, and other public institutions are made more and more to protect the women. The number of cases is also increasing. However, it is said that there are still many communities where criminal cases, including these GBV cases, are mediated at the village level and not reported to public authorities. This is allegedly because the image of prisons is generally very poor and it is considered more important that the perpetrator is not sent to prison than that the victim is protected. Thus, in some cases, the protection of the perpetrator is prioritized over that of the victim, which is an issue from the perspective of victim protection and human rights.

- **Delays in the adoption of ICT in court proceedings**

The ICT introduction in court proceedings can contribute to the improvement of physical access to justice by eliminating the need for people to travel to the courts and significantly reducing the time and transportation costs of travel. However, the majority of courts are not equipped with Internet connections and are not to meet the precondition to adopt IT in court proceedings¹⁷⁹.

¹⁷⁹ A pilot project to digitize courts is currently underway in the courts of Plateau, Yopougon, Dabou and, in the future, Tiassalé (interview with the Civil and Criminal Department of the Ministry of Justice: June 21, 2021).

- **Sustainability**

To sustainably operate the legal aid system, the Ministry of Justice needs to secure the necessary budget, especially to raise the lawyers' fees. In the past, with the support of donors such as UNDP, transportation, and accommodation expenses were provided for lawyers to travel to rural areas, but the funds were cut off after the project ended. In addition, the legal clinics play a major role in providing legal advice to vulnerable groups, educating the citizens about the law, and supporting applications for legal aid, but they are dependent on donor funds for operating expenses. However, the legal clinic is expected to become an official organization of the Ministry of Justice, and a sustainable operating budget would be secured.

7.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegals

The Ministry of Justice is amending the law in order to make the legal clinic, which is currently run by local NGO (AFJCI) with donor support, an official organization of the Ministry of Justice. If the legal clinic officially becomes an organization under the Ministry of Justice, it is envisaged that there will be a need for a mechanism to accredit the staff of the legal clinic as paralegals. Therefore, it is worthwhile to learn about the paralegal systems and capacity building in English-speaking Africa and to refer to them in the future.

(2) ICT

Legislation has been developed to introduce e-filing and e-case management, but it has not been implemented. In order to promote ICT in the judiciary sector, it may be useful to learn from Rwanda, where ICT in the judiciary sector has already been developed, and use the example of IECMS to promote ICT in their country.

In Côte d'Ivoire, the call center was set up in 2016 with the help of JICA and is gradually expanding its scale with the support of other donors. The Q&A used by the operators has also been updated in line with the needs, and the number of Q&A has increased from 100 to about 650 now. The sharing of these experiences by Côte d'Ivoire with other countries and the technical support for the setting up of call centers in other countries will boost confidence in Côte d'Ivoire and contribute to the development and improvement of call centers.

(3) Mobile legal clinics

Conducting legal and rights awareness-raising in rural areas away from urban areas and addressing issues related to social and cultural practices is important from the perspective of protecting and supporting victims of GBV and other criminal cases. The provision of trucks for mobile legal clinics would be useful to expand law and rights awareness activities in rural areas.

(4) OSC

In Côte d'Ivoire, gender desks have been set up in several police stations and gendarmerie units in the four southwestern provinces with the support of UNDP. GBV platforms have also been set up, formed by officials from these gender desks, the Court of First Instance, the Court of Appeal, the legal clinics and the Ministry of Women, Family and Children. However, the existence of such platforms is limited to donor-supported areas, and there is no collaboration with the Ministries of Health and Education.

Besides, as the challenges and needs are similar in the French-speaking African countries in the region, it would be highly significant to share the efforts made in each country to solve these challenges and use them to solve the challenges in their own countries.

Chapter 8. Survey Findings from Niger

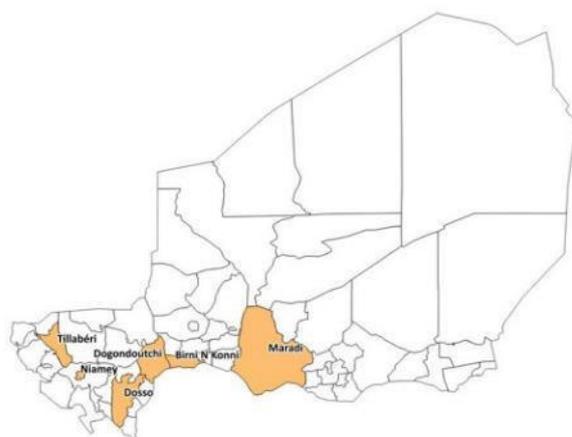
8.1 Summary

(1) Survey area

Niger is composed of eight regions including the Niamey Special Region, which are divided into 63 departments. Considering the accessibility and security of the capital city, this survey was conducted in two urban (Niamey and Tillabéri) and five rural (Tillabéri, Dosso, Maradi, Dogondouchi, and Birnin Konni) areas using a network of local consultants.

(2) Survey outline

Formal Justice: Same as France, the former colonial country, the judicial system of Niger is based on civil law, and Article¹⁸⁰ 116 of the Constitution of the Seventh



Source: JICA Survey Team

Figure 8.1 Survey areas in Niger

Republic of 25 November 2010 stipulates that judicial power is exercised by the Constitutional Court, the Court of Cassation, the Council of State, the Board of Audit, and the courts. The judicial system consists of the Court of Grand Instance and the District Court in the first instance, the Court of Appeal in the second instance, and the Court of Cassation and the Supreme Court at the highest level.

In Niger, access to courts is physically difficult due to the large size of the country, lack of knowledge of the law and legal procedures due to low literacy rate, and lack of knowledge of the law and legal procedures; besides, the method of dispute resolution in formal courts is seen culturally and customarily different from that in traditional or informal resolution. Conflict resolution through informal justice by Muslim leaders in urban areas and by traditional chiefs in rural areas are actively undertaken. In urban areas, ADR institutions receive and handle complaints from public officials and institutions. Those institutions include the Mediation and Arbitration Center, which conducts mediation and arbitration in the commercial field, and the National Human Rights Commission.

Informal justice: In urban areas, dispute resolution and/or conciliation are carried out by district chiefs and religious leaders that exist at each district level. In rural areas, mediation is conducted under the traditional chiefs of villages and nomadic groups. In some cases, there is also coordination and cooperation between religious leaders, traditional chiefs, and public authorities in criminal cases such as violence and GBV.

Legal aid services: The National Secretariat for Judicial Assistance and Legal Aid (Agence Nationale de l'Assistance Juridique et Judiciaire: ANAJJ), established in 2011, provides legal advice and assistance with legal fees for the poor and vulnerable. Most of the applications for legal aid are requests for assistance with lawyers' fees, but the remuneration is quite low, which makes it difficult to mobilize lawyers, especially in rural areas. As a countermeasure, the Ministry of Justice has established a system of paralegals (Défenseurs Commis d'Office:

¹⁸⁰ Constitution de la VIIème République du 25 Novembre 2010

DCOs) who assist the preparation of court documents in rural areas and represent vulnerable groups in court, especially in felony and juvenile trials. Most DCOs are teachers or law students.

Introduction of ICT: The prerequisites for the introduction of ICT, such as the installment of equipment for ICT and internet connection in the courts, are not in place. Records are kept on a paper basis.

Challenges in access to justice: In addition to regional disparities such as inadequate legal aid budgets, a backlog of cases due to lack of judicial personnel, and concentration of lawyers in Niamey, there is a lack of trust in the justice system due to a combination of social and cultural practices and the differences with informal justice. Low literacy rates and difficult legal terminology are also factors that hinder access to formal justice. Also, there are challenges such as the donor-dependent and unsustainable management of judicial counseling and legal aid.

8.2 Governance and judicial sector

8.2.1 Judicial system

The judicial system of Niger was influenced by the former colonial country (France) and is based on civil law. The constitution is the supreme law of the land and consists of the Civil Code, the Criminal Code, the Commercial Code (OHADA), and the Labor Code. The basic text governing the judicial system is the Constitution of the Seventh Republic of 25 November 2010 (Constitution de la VIIème République du 25 Novembre 2010).

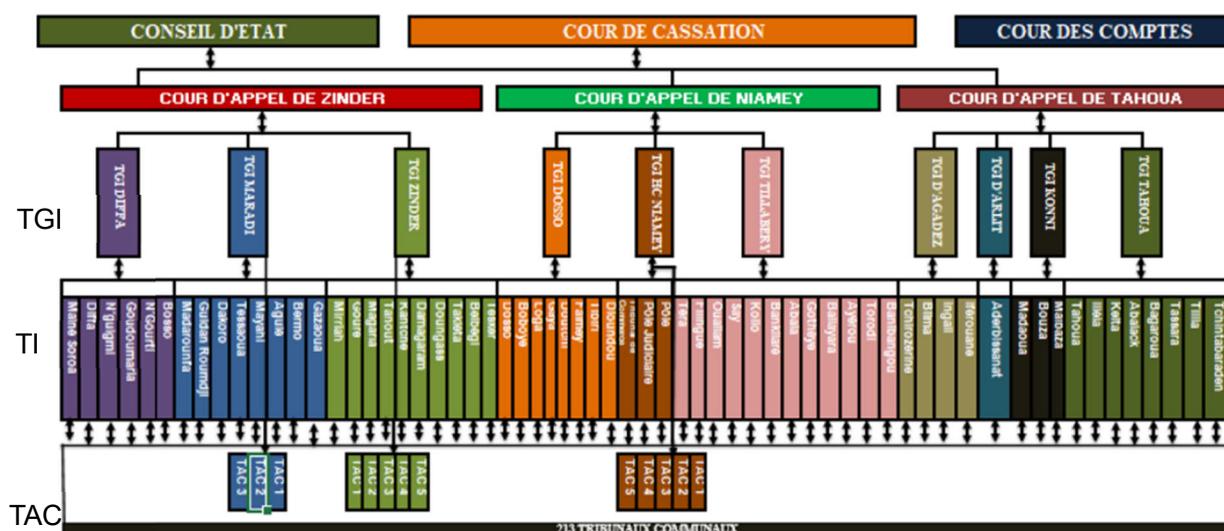
In Niger, codified law and customary law coexist, and a 2018 law¹⁸¹ provides for the application of customary law in civil matters such as marriage, divorce, gifts, and inheritance. However, the law does not apply to land that has been registered as real estate. In addition, about 99% of the population of Niger is Muslim¹⁸², and Islam is said to have a great influence on customary law.

8.2.2 Organizational structure

As shown in Figure 8.2, the Ministry of Justice (Ministère de la Justice) is divided into four parts consisting of i) the Cabinet and related sections, ii) the Secretariat General and related bureaus and directorates, iii) specialized departments, iv) the Department of State Support, and various divisions under it.

¹⁸¹ Law No. 2018-37 dated June 1, 2018, stipulating the organization and powers of the Republic of Niger (Loi N°2018-37 du 1er Juin 2018 fixant l'organisation et la compétence des juridictions en République du Niger) [url](#)

¹⁸² République du Niger, Recensement Général de la Population et de l'Habitat 2021 [url](#)



Source: Ministère de la Justice 2020, Annuaire des statistiques judiciaires 2015-2019 Edition 2020

Figure 8.3 Court System in Niger

8.3.2 Alternative dispute resolution systems

(1) Informal Justice

In urban areas, the Mediator of the Republic (Médiateur de la République) receives and handles complaints from public officials and public institutions. Also, there is the Mediation and Arbitration Center of Niger (Centre de Médiation et d'Arbitrage du Niger: CMAN), which deals with commercial matters. Chiefs in each urban quartier (Chefs de quartier) and the Islamic Association of Niger (Association Islamique du Niger: AIN) also contribute to dispute resolution.

In addition, the Code of Civil Procedure, OHADA, the Agricultural Code, and the Labor Code adopt the principle of pre-settlement, which requires conciliation between the parties involved in the dispute.

In the rural areas, the Prefet, traditional chiefs, and local branches of Islamic associations are responsible for civil dispute resolution. The following paragraphs provide an overview of conflict resolution in Niger's urban mediation and arbitration centers, at the community level (villages, nomadic groups) and by Islamic associations.

1) Mediation and Arbitration Center of Niger (Center de Médiation et d'arbitrage du Niger : CMAN)

The Niger Mediation and Arbitration Center was established in December 2014 with the support of the World Bank and other organizations through the Chamber of Commerce, Industry and Crafts, with the aim of providing legal guarantees in the business environment¹⁸⁴. The main objective is to quickly resolve disputes in the commercial sector. The content of the mediation and arbitration is mostly related to debt collection. The duration of mediation is two months, with a maximum of three months, although in recent years it has sometimes been completed in one day¹⁸⁵. If the mediation proposal is not accepted and the mediation fails, the case is referred to the Court of Justice and Arbitration (CCJA) in Abidjan. The mediators are not lawyers, but mainly senior citizens who have retired. On the other hand, the duration of the arbitration is six months and consists of three arbitrators.

¹⁸⁴ Décision N°00014/CCIAN/PDT du 5 Décembre 2014 url

¹⁸⁵ Same as above.

The arbitrators are lawyers, doctors, architects, and many others. Experts related to each dispute serve as arbitrators, supplementing the knowledge that is lacking in the legal profession. In arbitration, the arbitrator decides which party is at fault and adjudicates the case, so the case is completed at CAMAN and is not brought to the CCJA. The number of mediation and arbitration cases and the costs involved are as follows¹⁸⁶

- Number of cases of mediation and arbitration

Mediation: 3 cases in 2016, 7 cases in 2017, 14 cases in 2018, 13 cases in 2019, 13 cases in 2020

Arbitration: 2 cases in 2016, 3 cases in 2017, 5 cases in 2018, 3 cases in 2019, 2 cases in 2020

- Mediation and arbitration fees

Mediation: An administrative fee of FCFA 20 thousand (about US\$ 35) is payable. The mediator's fee depends on the amount involved in the dispute, and this fee is published: FCFA 75 thousand (about US\$ 135) if the amount involved is less than FCFA 1 million (about US\$ 1,800); 0.25% of the amount involved (about US\$ 225-450) if the amount involved is from 50 million to 1 billion (about from US\$ 90 thousand to 180 thousand)

Arbitration: An administrative fee of FCFA 30 thousand (about US\$ 55) is payable. The arbitrator's fee depends on the amount involved in the dispute, and this fee is published.

FCFA 150 thousand (about US\$ 270) for FCFA 5 million or less, or 1% of the amount involved (about US\$ 900-1,800) for FCFA 50 million to 100 million.

The CMAN is located only in the capital city of Niamey, which makes it difficult to access from rural areas. The number of users is low, and it is necessary to publicize the service to potential users.

2) Mediation at the community level

Traditional chiefs are in charge of mediation of the legal challenges faced by the population in the smallest administrative units in urban areas (urban Quartier), in rural villages, and in nomadic settlements (Fraction). The Act on the Status of Traditional Chiefs¹⁸⁷, promulgated in 2015, stipulates that "traditional chiefs are authorized to conduct mediation on customary, civil, and land transactions," and chiefs are officially empowered to resolve disputes at the community level. The main disputes are related to land rights, witchcraft curses, and marriage. Conflict resolution at the village level is aimed at conciliation based on discussion between the disputants; promoting peace and social cohesion, and preventing conflicts. If the dispute cannot be resolved at the community level such as cases involving land disputes, these are taken to the prefect of the department, others are taken to the police, or the gendarmerie, and/or to the courts.

¹⁸⁶ Interview with the Niamey Mediation and Arbitration Center, June 16, 2021. It began to function practically from 2016.

¹⁸⁷ Loi 2015-01 du 13 janvier 2015 portant statut de la chefferie traditionnelle en République du Niger [url](#)

3) Islamic Association

In Niger, where 99% of the population is Muslim, the Islamic Association of Niger (AIN), which was established in 1974, plays a major role in mediating the legal issues faced by Muslims. AIN is headquartered in Niamey, the capital of Niger, with branches at region, department, commune, and canton levels. Mediation is based on the Qur'an and is conducted for reconciliation between disputants. Common disputes are marriage, divorce, inheritance, and child custody, etc¹⁸⁸. Matters related to criminal cases, such as violence and injury, are outside the scope of mediation and are reported to the police or gendarmerie. There are cooperation and collaboration with public institutions. Mediation at AIN headquarters is held Monday through Thursday from 10:00 to 13:00. About 100 people come and AIN mediates 25 to 30 disputes a day. The mediation takes about 5 minutes at the shortest and about an hour at the longest. Most of the people who come to the mediation are poor, so they have not been charged a mediation fee. However, for example, if a wife asks for divorce and convocation is issued to her husband, a fee of FCFA 200 (about US\$ 0.4) is charged, FCFA 1,000 (about US\$ 1.8) is charged for a divorce approval, and FCFA 5,000 (about US\$ 9) is charged for the inheritance if the amount of succession is FCFA 1 million (about US\$ 1,800).



Islamic Association

8.4 Basic information on legal practitioners

8.4.1 Number of legal practitioners

(1) Lawyers (Avocats)

There are 133 lawyers registered with the Niger Bar Association. Of these, 122 (91 %) are men and 11 (9 %) are women, with women accounting for less than 10% of the total. The majority of lawyers reside in Niamey, and in the rural areas, there is only one lawyer's office in Tahoua. It is extremely difficult to access lawyers outside of Niamey¹⁸⁹.

(2) Magistrates

In Niger, judges and prosecutors are referred to as judicial officers (Magistrate), similar to the French system. As of 2019, there are 421 Magistrates¹⁹⁰, 381 (91%) of whom are male and 40 (9%) female, a similar gender ratio to lawyers, with a smaller percentage of women.

¹⁸⁸ Based on interview on June 17, 2021.

¹⁸⁹ Interviews with bar association directors on June 16, 2021

¹⁹⁰ Ministère de la Justice et des Droits de l'Homme (2020) *Annuaire des statistiques judiciaires et pénitentiaires 2018-2019* [url](#)

8.4.2 Qualifications

(1) Lawyers

The eight-member countries of UEMOA have Community regulations on the harmonization of the legal profession. A common qualification for lawyers has been established by the same regulation¹⁹¹. The requirements for admission to the bar are a Master of Law (Master 2 en droit or Maîtrise en droit), but the number of attempts is limited to three.

In Niger, the qualifying examination for lawyers is prepared by the Bar Association in cooperation with the law faculties of national universities and other institutions, and administered by the Bar Association. Those who pass the exam receive 18 months of training in school, after which they take the exam to obtain the Certificat d'Aptitude à la Profession d'Avocat (CAPA). Currently, the Bar Association does not have a training center, so lectures are held in a classroom at the School of Judicial Training of Niger (Ecole de Formation Judiciaire du Niger: EFJN). The lecturers are lawyers. After obtaining the CAPA, students undergo three years of practical training at a law firm before being officially admitted to the bar. The training can be conducted in any UEMOA member country. However, judicial officers and professors of law (Professeurs agrégés) with more than 10 years of experience are eligible to become lawyers without taking the qualifying examination.

(2) Magistrates

Magistrates are trained at Ecole de la Magistrature within Ecole de Formation Judiciaire du Niger (EFJN, Judicial Training School of Niger), which was established two years ago. Before the establishment of EFJN, the Magistrates were trained at the Ecole Nationale Administrative et de Magistrature (ENAM, National School of Administration and Justice). The qualifications for the judicial academy are a Master in Law (Master 2 en droit or Maîtrise en droit) and being under 40 years old. The first year is mainly classroom-based, the second year consists of practical training at the court. After the practical training, there is an examination; those who pass the exam become judicial officers. An entrance exam to EFJN is held every two years, and 47 out of 775 applicants passed the most recent exam.

8.4.3 Training

In addition to the initial training mentioned above, the EFJN provides continuous training for the Magistrates. In many cases, various continuing training on GBV and human trafficking is provided to lawyers and judicial officers in programs funded by international donors.

¹⁹¹ N° 05/UEMOA relatif à l'harmonisation des règles régissant la profession d'Avocat dans l'espace l'Union Economique et Monétaire Ouest Africain (UEMOA) [url](#)

8.4.4 Lawyers involved in the dispute resolution

(1) Role of lawyers in dispute resolution

In addition to their regular legal work, lawyers play a major role in resolving disputes in formal justice, including defense in felony courts in the courts of the first instance, and defense through legal aid for the poor who cannot pay legal fees.

(2) Remuneration structure

In accordance with the above-mentioned UEMOA regulations on the practice of law, the remuneration of lawyers can be set freely by each individual, and there is no minimum or maximum limit to the amount of remuneration. Although there is no information available on the general remuneration system, the amount of remuneration depends on the nature of the case handled and the reputation of the law firm.

For legal aid and court-appointed defense attorney, the Ministry of Justice pays a fee of FCFA 50 thousand (approximately US\$ 90) per case through the Bar Association¹⁹². However, the Bar Association points out that this amount is not enough to mobilize lawyers¹⁹³. As one of the measures to deal with this issue, the bar association has incorporated court-appointed defense attorneys into the practical training of trainees. On the other hand, in the case of trials held in rural areas, an additional FCFA 50 thousand (about US\$ 90) is supposed to be paid in addition to the remuneration, but it is said that the amount is inadequate and that lawyers rarely go to rural areas because they are unable to perform their regular duties during their trips and the income of the law firms decreases. For this reason, the government has established a paralegal system to compensate for the absence of lawyers in rural areas.

(3) Pro bono

The Association des Jeunes Avocats du Niger (Lawyers' Youth Association), which is made up of young lawyers, provides free legal advice and legal aid activities on an irregular basis.

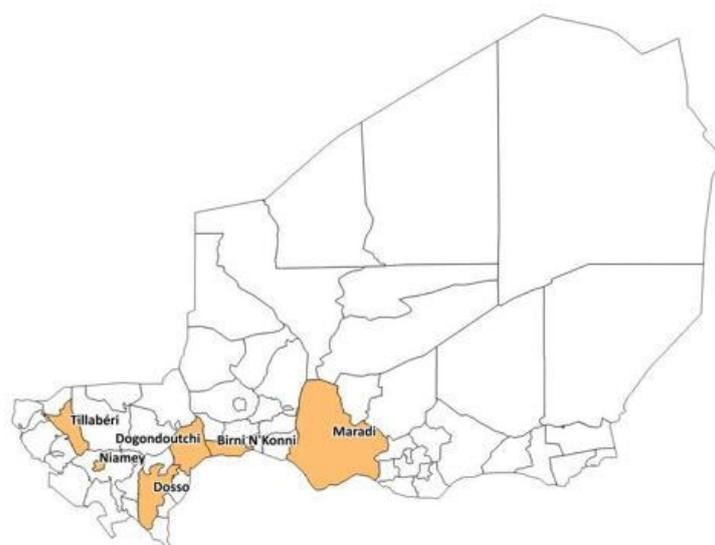
8.5 Social needs analysis for access to justice

8.5.1 Common disputes and means of resolutions

This survey was conducted in two urban and five rural areas as shown in the table below. The population of Niger is approximately 22 million (projection of 2020) and consists of the capital Niamey and 7 provinces.

¹⁹² Décret n°2014-578/PRN/MJ du 26 septembre 2014 fixant les montants forfaitaires à verser aux défenseurs commis d'office et les dotations annuelles à verser aux barreaux

¹⁹³ Interview with the bar association (June 16, 2021)



Source: JICA Survey Team

Figure 8.4 Survey areas in Niger

Table 8-1 Overview of the survey areas in Niger

Area	Name	Overview
Urban	Niamey	The capital of Niger and the administrative and economic center of the country. The Tribunal d'Arrondissement Communal (Tribunal of the Grand Instance) and five communal district courts are located in the city. About 1.3 million people live in the city.
	Tillabéry	The capital of Tillabéry, a suburb of the capital city. The population of the entire province is about 3.62 million. It is home to the tribunal of the grand instance and district courts (Ouallam, Téra, Kollo, Say, Filingué, Torodi). The urbanization rate is 6.3%*, with the majority living in rural areas.
Rural	Tillabéry	Ibid. In the rural areas, there are many farmers, such as the Jelma, Sungai, and Gurmanche, as well as nomadic Tuaregs and Fulani pastoralists.
	Dosso	The capital of the province of Dosso, near the capital. The total population of the province is about 2.73 million. It is home to the tribunal of the grand instance and five district courts (Dogondoutchi, Loga, Birni N'Gaouré, Gaya, and Falmey). The urbanization rate is only 8.9%*.
	*Dogondoutchi	Located in the province of Dosso, it has a population of about 370,000. It is home to the Court of Petty Sessions.
	*Birni-N'Konni	It is located in the province of Tawa. The total population of the province is about 4.4 million. The population of Birni N'Konni Province is about 310,000. There is a court of grand instance and two district courts (Madaoua et Bouz).
	Maradi	The capital of Maradi Province. The total population of the state is about 4.52 million. It is home to the tribunal of the grand instance and six district courts (Mayayi, Téssaoua, Dakoro, Aguié, Guidan Roundji, and Madarou). The urbanization rate is 13%*.

Source: Africa South of Sahara 2021

*figures from Institut National de la Statistique-Niger (2012), Recensement Général de la Population et de l'Habitat [url](#)

(1) Common Disputes

The legal issues in urban areas are disputes over land rights, labor and employment relations regarding dismissal and salary, property inheritance, marriage, divorce, child custody, and domestic violence. In rural areas, in addition to conflicts between pastoralists and farmers, such as disputes over land rights and livestock destroying farmland,

there are also family issues such as inheritance of property, marriage, divorce, and child custody, as well as GBV such as premature and forced marriages, in addition to curses due to witchcraft and domestic violence.

Table 8-2 Main conflict issues

City	Region
<ul style="list-style-type: none"> ● land dispute ● Employment Issues ● Succession to or inheritance of property ● Marriage, Divorce, Child Custody ● GBV 	<ul style="list-style-type: none"> ● land dispute ● Conflicts between farmers and pastoralists ● Curses through witchcraft ● succession to or inheritance of property ● Marriage, Divorce, and Child Custody ● GBV

(2) Challenges for vulnerable groups

In Niger, vulnerable groups are defined by law¹⁹⁴ as "those who are poor, food insecure, and at risk of not being able to meet their basic needs physically and economically. In general, vulnerable groups include the poor, the disabled, and women victims of domestic violence. The challenges faced by the vulnerable groups are the same as the common challenges mentioned above, with no major differences.

8.5.2 Public perception towards the judicial system

According to "National survey on corruption in the judiciary and other social phenomena"¹⁹⁵ in 2017, 27.1% have great trust in the judiciary, 32.1% have little trust in the judiciary, 8.21% have no trust in the judiciary, and the remaining 32% are indifferent to the judicial system, indicating that only less than 30% of the respondents trust the judiciary. According to the same survey, when asked if the independence of the judiciary is guaranteed, 76% of the respondents answered that they did not know, indicating that few people have a grasp of the definition of separation of powers.

Dispute resolution through informal justice is actively practiced, with Islamic associations in the capital and traditional chiefs in the provinces mediating disputants. This is due to several factors, including the large size of the country, physical inaccessibility of courts, low literacy rate¹⁹⁶, lack of understanding of the law and legal procedures, and inadequate or non-existent legal counseling and legal aid services. According to the aforementioned national survey on judicial corruption and other social phenomena, only 5% of the population has ever filed a lawsuit in a court of law. Reasons cited for this include lack of legal knowledge, high costs, and time-consuming procedures, as well as cultural and customary aspects. On the other hand, as in Côte d'Ivoire, there is cooperation and coordination with formal justice, such as reporting criminal cases such as murder, injury, rape, and FGM to the police or gendarmerie. However, in the case of forced and premature marriages, Islamic associations and traditional chiefs often intervene to resolve the issue.

¹⁹⁴ Loi N°2018 - 22 du 27 Avril 2018 déterminant les principes fondamentaux de la protection sociale, Loi N° 2011-42 du 14 décembre 2011

¹⁹⁵ Institut national de la Statistique-Niger (2018) , Enquête nationale sur la corruption en milieu judiciaire et autres phénomènes sociaux [url](#)

¹⁹⁶ The literacy rate among people aged 15 and above is only 35% (World Bank, 2018).

8.6 Policies and institutions for access to justice

8.6.1 National policies on access to justice

(1) National Policy: National Policy on Justice and Human Rights (Politique Nationale Justice et Droits Humains : PNJDH) 2014-2023

The Ministry of Justice has formulated the National Policy on Justice and Human Rights (PNJDH) 2013-2023¹⁹⁷ according to the Plan de Développement Économique et Social 2012-2015. The PNJDH has as its overall goal a justice system that is credible, impartial, and accessible to all by 2035. The PNJDH also lists the following three specific goals, and improving access to justice is one of the main issues:

1. Restore trust in the judiciary and enable citizens to have full confidence in the justice system;
2. Reduce or eliminate barriers faced by people using justice services to improve access to justice; and
3. Make equality under the law.

The Follow-up and Evaluation Committee of the PNJDH was established in 2013¹⁹⁸, and the follow-up meeting held in 2020 suggested that there are physical and social barriers in terms of access to justice and that these should be improved¹⁹⁹. As for physical barriers, it is pointed out that courts have not been newly built as planned and the distance to the courts is far. As for the social barriers, it is pointed out that formal justice is regarded as "someone else's business," especially by people in rural areas, and is perceived as fear and far from the customs and culture of the Nigerian people.

(2) Legal Aid Law

Articles 61 and 62 of the Code of Civil Procedure²⁰⁰ contain provisions on judicial assistance, which states that vulnerable and indigent persons shall be provided with legal aid by the National Agency for Legal Assistance and Legal Aid (ANAJJ). ANAJJ is a national organization established by law in 2011²⁰¹ to promote understanding of the judicial system and law, provide legal advice, and support legal fees for the poor and vulnerable. The ANAJJ has local offices in the Courts of Grand Instance throughout the country, it provides legal consultations service and receives applications for legal aid at its local offices.



ANAJJ HQ office

¹⁹⁷ Ministère de la justice, Document de Politique Nationale Justice et Droits Humains [url](#)

Ministère de la justice, Document de Politique Nationale Justice et Droits Humains [url](#)

¹⁹⁸ Arrêté n°00048/PM/MJ du 05 mars 2013

¹⁹⁹ Ministère de la justice, Rapport de suivi de la mise en œuvre des conclusions et recommandations des états généraux de la justice Janvier 2020 [url](#)

²⁰⁰ Code de procédure civile [url](#)

²⁰¹ Loi n° 2011-042 du 14 décembre 2011, fixant les règles applicables à l'assistance juridique et judiciaire. [url](#)

8.6.2 Institutions and jurisdiction on access to justice

As mentioned above, the department in charge of access to justice is the ANAJJ, which is responsible for this task.

8.6.3 Legal aid system and service

(1) Overview of legal aid

- Those who need support for legal fees but cannot afford it due to a lack of resources shall apply to ANAJJ. ANAJJ shall verify the reason for the application and decide whether to support it or not²⁰².
- Legal aid is provided without a certificate to defendants in juvenile cases, juvenile victims of crime, disabled persons, defendants in felony courts, women victims of violence as described in Chapters 2, 3, 4, and 7 of the Penal Code, and women who apply for food aid, disposition of inheritance, and requests for child support²⁰³.
- Most of the applications are requests for legal fees, but it is difficult to mobilize lawyers, especially in rural areas, because lawyers are concentrated in Niamey and the remuneration for the lawyers is insufficient. The Ministry of Justice has established a system of paralegals (DCOs) to assist in the preparation of court documents in rural areas as well as to assist in the defense of felony and juvenile cases. There are no specific criteria for the selection of DCOs, but most of them are teachers or law students. DCOs are appointed by an ordinance (arrêté) of the Ministry of Justice for a term of one year. There are 54 DCOs in 9 Courts of Grand Instance outside of Niamey and 54 in 12 District Courts.

(2) Budget for legal aid

According to the ANAJJ, the legal aid budget was FCFA 179 million (about US\$ 320 thousand) in 2011 when the ANAJJ was established, but the budget has been reduced year by year to FCFA 40 million (about US\$ 7,200) in 2020. Fifty percent of this amount will be allocated to the Bar Association.

(3) Status of provision of legal consultation and legal aid, and players and users

1) ANAJJ

The following shows the number of legal consultations received by ANAJJ nationwide in FY2019 (October 2018 to September 2019). The main types of consultations were family issues, such as child custody and divorce, as well as issues between individuals and organizations, such as unpaid wages and termination of employment.

- Number of legal consultations in 2019 (October 2018 to September 2019): 9,487



ANAJJ office in Niamey Court of Grand Instance

²⁰² DECRET N° 2014-004/PRN/MJ du 3 janvier 2014 fixant les critères et les modalités de la preuve de l'indigence pour bénéficier de l'assistance judiciaire [url](#)

²⁰³ loi n° 2011-042 du 14 décembre 2011, fixant les règles applicables à l'assistance juridique et judiciaire.

Breakdown: 2,033 women, 6,195 men, 215 girls under 18, 1,044 boys.

The below is the number of legal aid cases supported by ANAJJ in FY 2019.

- Number of legal aid cases in 2019 (October 2018 to September 2019): 1,407
Breakdown: 112 women, 483 men, 181 girls under 18, 628 boys

The number of legal consultations and applications for legal aid from January to March 2021 at the ANAJJ local office in the Niamey Court of Grand Instance is as follows. The number of legal consultations is around two to three cases per day. One of the reasons for this is that legal consultations are more needed in district courts, which are closer to the community, rather than in the Court of Grand Instance.

- Legal advice: 152 cases (breakdown: 50 women, 90 men, 10 girls under 18, 2 boys)
- Legal aid: 2 cases (breakdown: 2 men)

2) NGOs

There are not many local NGOs working on improving access to justice, and some major organizations are listed below.

- Association Nigérienne de Défense des Droits de l'Homme (ANDDH)

ANDDH is founded by a few activists in 1991 during the transition to a democratic system to protect and promote human rights. A member of the International Federation for Human Rights (FIDH), it has 3-4 full-time staff members and currently has branches in each regional capital. It is currently providing legal advice under the Niger Spotlight Country Programme (Spotlight) funded by the EU and implemented by UNDP, UNFPA, UNICEF, and UN Women. In this project, UNDP has signed a contract with ANAJJ, and ANDDH has been entrusted by ANAJJ to provide legal consultation services²⁰⁴.

- The Legal Chronicle (Chronique juridique)

It started in 2014 when a Nigerian female judicial officer felt threatened by the lack of legal knowledge among citizens and started using Facebook to raise awareness of the law. When the number of consultations and contacts through the SNS exceeded 1,000, it became too much for it to manage alone, so it set up an office in 2019, which is now run by volunteer staff and one full-time staff member. The Facebook campaign to raise awareness of the law attracted attention, and at the request of the media, they are now explaining and promoting the law in five languages (French, German, Hausa, Fulani, and Arabic) on community radio every Friday at 5 pm. The explanations are first given in French, but they try to use simple French so that most people can understand. Since Africa is originally an oral tradition culture and the literacy rate is low in Niger, this NGO is focusing on raising awareness through the media on radio and television. There is a nationwide network of 100 volunteer staff. Legal clinics are held in offices, by phone, and by email²⁰⁵.

²⁰⁴ Interview with ANDDH (June 16, 2021)

²⁰⁵ Interview with Chronique juridique (June 17, 2021)

3) Religious organization (Islamic Association of Niger)

As already mentioned, the Islamic association mediates the legal challenges of believers. The association also raises awareness through community radio and other media, warning about premature marriage and encouraging girls' education.

4) National Commission on Human Rights (Commission Nationale des Droits Humains : CNDH)

It is a national institution established in 2012 to protect, defend, and promote human rights. It receives reports and complaints from citizens regarding human rights violations and conducts investigations when necessary. The main human rights violations are kidnapping by terrorists (Disparition forcée, enforced disappearance), prolonged detention in juvenile detention centers, and arbitrary detention²⁰⁶.

5) Paralegals

The Ministry of Justice has set up a system of paralegals (DCOs) to assist in the preparation of court documents and in the defense of felony and juvenile cases outside Niamey. DCOs are under the jurisdiction of the ANAJJ. DCOs are appointed by the Ministry of Justice (arrêté) for a period of one year. DCOs are basically volunteers and receive no remuneration, but under national regulations they are entitled to a remuneration of 50,000 FCFA (about 90 USD) per case²⁰⁷. At present, there are a total of 54 DCOs in nine courts of first instance and 12 courts of small instance outside Niamey. The DCOs are mainly teachers and law students, who are not necessarily familiar with the law and judicial procedures, and their capacity building needs to be strengthened. However, there is no systematic training for DCOs.

(4) Measures to improve the quality of access to justice

In Niger, the ANAJJ has been established for providing legal aid, but its budget is insufficient and it is difficult to mobilize lawyers for legal aid. For this reason, a paralegal system (DCO) has been established, and in rural areas, DCOs serve as court-appointed defense attorneys in felony trials in place of lawyers, and also provide assistance in preparing court documents. However, DCOs are mainly teachers and law students and are not necessarily well versed in the law and judicial procedures. Along with raising the legal aid budget, strengthening the capacity of DCOs was also pointed out in the follow-up meeting of the PNJDH.

8.6.4 Call center operation

(1) Ministry of Justice

In 2011, in order to comply with the United Nations Convention against Corruption, a free hotline (ligne verte) was established within the Ministry of Justice where citizens can report corruption and complaints in the justice sector. The free hotline (08001111) is operated by the Free Hotline Coordination Unit (Cellule de coordination de la ligne verte) of the MOJ, which consists of seven members who examine the content of the corruption report or complaint and, if necessary, request the Prosecutor's Office to investigate. The members are the executive, notaries,

²⁰⁶ Hearing from CNDH (June 15, 2021)

²⁰⁷ DECRET N° 2014-578/PRN/MJ du 26 septembre 2014 fixant les montants forfaitaires à verser aux défenseurs commis d'office et les dotations annuelles à verser aux barreaux [url](#)

Magistrats' union, bar association, prosecutors, and two members of civil society. On the other hand, there is a lack of budget and it is difficult to hold meetings.

The phone line is answered by two people from 8 am to 5 pm. In 2020, the number of calls was only 10. The main complaints were not about corruption, but about access to justice challenges, such as lack of progress in court proceedings and lack of access to proceedings. The main reason for a few calls is that there is no budget for publicity and awareness-raising, and the existence of the free hotline itself is not well known. The budget has been cut year by year, and in the beginning, calls from five telecommunication companies could be made toll-free, but now there is only one, Zamani (formerly Orange)²⁰⁸.

(2) Local NGO

As already mentioned, telephone legal advice is provided by the local NGOs ANDDH and Chronique juridique.

(3) Call center equipment costs

The DOJ toll-free hotline is operated by cell phone. There is no software to analyze the incoming calls, and the only cost of installation is the purchase of a cell phone. According to the Agence Nationale pour la Société de l'Information, a typical landline call center costs between FCFA 12-15 million (about US\$ 20-27 thousand).

8.7 Infrastructure supporting access to justice and public relations

8.7.1 Communication infrastructure

There is no statistical data available on the penetration rate of radio and television, but radio is considered to be the most used media, as NGOs have been conducting awareness-raising by radio. The internet penetration rate is extremely low at only 5% (2018)²⁰⁹.

8.7.2 Education system

(1) Primary and secondary education

In primary and secondary education, lectures on human and civic rights are given in civic and moral education (Instruction civique et morale).

(2) Higher education

In the law department of a university, students learn the basics of law in the first and second years, and in the third year, they choose and attend lectures on some public and private law. In the French-speaking countries' educational system, a bachelor's degree can be obtained in three years and a master's degree in two years. In the master's program, students are divided into courses in public or private law from the first year. The following table shows the curriculum of the Faculty of Law at the Université Abdou-Moumouni de Niamey, the largest national university in Niamey.

²⁰⁸ Interview with the Free Hotline Coordination Unit, Department of Justice, June 14, 2021.

²⁰⁹ World Bank, Individuals using the Internet (% of population) [url](#)

Table 8-3 Overview of the curriculum for the Bachelor of Law Program at Abduh Mumuni Niamey University

First-year	Second-year	Third-year
<p>Basic subjects</p> <ul style="list-style-type: none"> ● Introduction to Law ● Constitution 1 and 2 ● Civil Code 1: Personal Rights ● Civil Law 1: Family Law <p>supplementary subject</p> <ul style="list-style-type: none"> ● Justice system ● Introduction to Human Rights ● International relations ● Institutional history ● Introduction to political science ● Introduction to sociology ● Political economy ● Introduction to literature research 	<p>Basic subjects</p> <ul style="list-style-type: none"> ● Civil Code 1 ● Civil Law 2: General Theory of Claims ● Administrative Law 1, Administrative Law 2 <p>supplementary subject</p> <ul style="list-style-type: none"> ● Property Law ● Public Finance 1 and 2 ● General Criminal Law ● Political Science: Basic Concepts ● administrative system ● Contracts ● Development economy ● Criminal action ● Agricultural Law ● Globalization: Issues and Challenges 	<p>(Basic Public Law Course)</p> <ul style="list-style-type: none"> ● Public International Law 1 and 2 ● Administrative Law: Civil Service System ● Administrative Law: Law of Property Rights <p>(Public Law)</p> <ul style="list-style-type: none"> ● Public liberties ● International human rights law ● Community law ● Law governing rights within a country ● Administrative litigation (action) ● History of political thought ● Commercial law ● Social law <p>(Private Law)</p> <ul style="list-style-type: none"> ● Marriage system <p>(Private law)</p> <ul style="list-style-type: none"> ● Law governing rights within a country ● Private international law ● Economic criminal law ● Basic freedom ● Civil law: marriage system, inheritance ● Social law ● Administrative litigation (action) ● National property

Table 8-4 Overview of the curriculum of the Master of Laws program at Abduh Mumuni Niamey University

First-year		Second-year	
[Public law]	[private law]	[public law]	[private law]
<p>Compulsory subjects</p> <ul style="list-style-type: none"> ● Administrative law ● Local government constitution and human rights ● Status, organization, functions, and authority of local governments ● Local government governance: democratization and civil rights ● Administrative sentence ● Classification and storage of documents and data ● Organization of labor <p>Electives</p> <ul style="list-style-type: none"> ● Public service ● English ● Sanitation and Hygiene management 	<p>Compulsory subjects</p> <ul style="list-style-type: none"> ● Credit transaction ● Business opportunity act ● Criminal law 1 and 2 ● Business tax law ● Crisis prevention and mediation procedures <p>Electives</p> <ul style="list-style-type: none"> ● Insurance law ● Common law ● Private international law ● Environmental laws ● Arbitration act ● Competition law ● Banking act ● Traffic law (ohada) ● International criminal law 	<p>Compulsory subjects</p> <ul style="list-style-type: none"> ● Municipal public finance ● Local government funding, budget development, and budget execution ● Civil registration ● Land development and urban planning ● National property ● Local government planning ● Local economy ● Community police ● Natural resources ● Moral and professional ethics ● Management <p>Master's thesis</p>	<p>Compulsory subjects</p> <ul style="list-style-type: none"> ● Civil law: the responsibility of citizens ● Commercial law ● Specific contract clause ● Evidence law <p>Electives</p> <ul style="list-style-type: none"> ● Community court of justice litigation ● Securities and exchange law ● Criminal law (execution and restoration of sentences) ● Comparative law (EU, USA, China) ● Research methods and ethics ● IT and the law

			<ul style="list-style-type: none"> ● Commercial court ● Administrative sentence Master's thesis
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(3) Adult education

Local NGOs visit villages and also conduct awareness-raising activities on the law through community radio. When new laws are promulgated, there are no specific awareness-raising activities conducted by the government, and adults have little opportunity to learn about laws and judicial procedures.

8.7.3 Public relation tools

(1) Websites

The website of the Ministry of Justice has the latest news, the judicial system, judicial statistics, and research reports available, as well as a "Justice and You" site with sections on litigation procedures, introduction to the roles of judicial officers, clerks, and lawyers, mobile courts, and criminal records. However, at the moment, information other than litigation procedures is under construction.

(2) Social media

Although Facebook is the most widely used SNS in Niger, the Ministry of Justice does not disseminate information on Facebook, nor does it use mobile applications for public awareness. Chronique juridique disseminates its activities and laws on Facebook but does not use Twitter or mobile applications to publicize or raise awareness.

The Government of Niger has set up a website to provide information on public services in 2021. The site has a page on the law, which includes information on how to obtain a criminal record certificate.

Website: <https://www.service-public.ne/fr/demarches/55>

(3) Traditional Media

Similar to the above, a local NGO, Chronique juridique, has been conducting legal education and awareness-raising activities on the judicial system through radio and TV programs.

8.8 Introduction of ICT in the judicial system

8.8.1 Polices of ICT introduction in the legal system

The National Policy on Justice and Human Rights (PNJDH) 2013-2023²¹⁰ states the intention to promote ICT and the modernization of the judicial system. Legislation has also been put in place to introduce digitization. However, except for the capital city of Niamey, the courts do not have Internet access, and the preconditions for promoting ICT in the judiciary are not in place. In addition, many of the IT equipment such as PCs are old and need to be updated. Also, court information is stored on a paper basis rather than in electronic data. When preparing the 2020

²¹⁰ Ministère de la justice, Document de Politique Nationale Justice et Droits Humains [url](#)

edition of the Ministry of Justice's Statistical Yearbook, an information-collection team was set up, which visited courts around the country, checked paper-based records, and collected and organized data²¹¹.

8.8.2 Current status of ICT adoption

(1) e-filing, e-case management

Neither e-filing nor e-case management has been introduced.

(2) e-court

The e-court system is not yet operational and there are no plans to introduce it at this time.

8.9 Donor funded activities

The major donors working in the area of access to justice are UNDP, IDLO, etc.

(1) UNDP

The following projects are in progress.

- Project Name: Niger Spotlight Country Programme (Spotlight)
 - Period: 2019-2024 (Phase 1: 2019-2021, Phase 2: 2021-2024)
 - Budget: Phase 1: US\$ 17 million, Phase 2: US\$ 6-7 million
 - Donor: EU
 - Implementing Agency: UNDP, UNFPA, UNICEF, UN Women
 - Activities: This project focuses on GBV and is being implemented in nine African countries, including Niger²¹². UNDP is supporting (1) legal counseling and legal aid, (2) capacity building of criminal justice human resources, and (3) digitization of the Ministry of Justice and courts.
- i) Legal clinics have been set up in various parts of the country to provide free legal advice mainly to victims of GBV. Young Nigerians with law degrees are dispatched as UN volunteers to provide legal advice. The legal clinic does not provide telephone counseling. Since many poor people do not have cell phones, they are encouraged to visit the clinic and consult in person. The legal Clinic is also publicized, but its activities are mainly spread by word of mouth.
 - ii) Capacity building on GBV and terrorism for judicial police officers, prosecutors, and judges involved in the investigation, prosecution, and sentencing of crimes is being implemented. Mobile courts on terrorism have also been implemented.
 - iii) UNDP would like to provide IT equipment to the courts to facilitate information management from paper to data, and to strengthen the capacity of IT equipment so that statistics can be easily obtained; UNDP also needs statistics to measure the results of its activities, but since the courts manage information on paper, it is very difficult to obtain statistics.

²¹¹ Hearing from the Office of Information and Digitization Systems, Department of Justice (June 14, 2021).

²¹² Spotlight Initiative website [url](#)

(2) IDLO (International Development Law Organization)

IDLO is an intergovernmental organization of 37 countries that aims to promote the rule of law. The following projects are under implementation

- Project Name: Program Lead
- Period: April 2020 - August 2024
- Donor: Dutch government
- Target countries: Niger, Mali, Burkina Faso
- Target areas in Niger: Tahoua, Konni, Tillaberi, Dosso (selected in consultation with the Ministry of Justice of Niger)
- Objective: To improve quality, access, respect for human rights, speed of case processing, transparency, and gender sensitivity in the criminal justice sector.
- Activities: Strengthen the capacity of actors involved in the criminal justice chain (investigation, prosecution, and sentencing); strengthen the monitoring capacity of CNDH and NGOs on the criminal justice chain, and improve access to justice by raising awareness of judicial procedures and the law. With ANAJJ, providing legal aid support to vulnerable groups in criminal justice trials.

(3) AFD

- Project name: Appui à la justice et à la sécurité au Niger: AJUSAN (Niger Justice and Security Assistance Project)
- Period: 2017-2021
- Donor: EU
- Budget: 600 million euro
- Target Areas: unknown
- Objective: To contribute to the eradication of poverty, promote sustainable and inclusive growth, and strengthen democratic and economic governance. The judicial sector aims to strengthen the capacity of judicial officials.
- Activities:
 - i) Improve the criminal justice chain (investigation, prosecution, and sentencing) in particular to adequately respond to the fight against cross-border crime, trafficking in persons, and illegal trade in migrants.
 - ii) Support for the National Agency to Combat Trafficking in Persons and Illegal Immigration Trafficking (Agence Nationale de Lutte contre la traite des Personnes et de Trafic Illicite de Migrants).
 - iii) Strengthening international investigative cooperation to deal with transnational crime.

8.10 Challenges of access to justice in the country

Challenges to access to justice include an insufficient budget for legal aid, lack of human resources, regional disparities, lack of legal knowledge, and sustainability issues.

- **Insufficient budget for legal aid**

The budget for legal aid is decreasing year by year. Since most legal aid applicants require legal fees, however, the remuneration to lawyers is low, making it difficult to mobilize lawyers.

- **Lack of human resources**

The Ministry of Justice has set a target of training one Magistrate for every 20,000 people in accordance with international norms, but the current ratio is one for every 50,000 people. Due to the limited capacity and budget of the National Judicial Academy, it is not possible to increase the number of magistrates which leads to a large number of cases being handled by one Magistrate and accumulates backlogs.

- **Regional disparity**

Lawyers are concentrated in Niamey and access to lawyers is very difficult in rural areas. Even if the decision is made to provide legal aid in rural areas, lawyers rarely go to rural areas. Therefore, a paralegal (DCO) system has been established to provide court-appointed defense attorneys and document preparation and defense on behalf of lawyers, but DCOs are not professional lawyers and their capacity needs to be strengthened.

- **Lack of legal knowledge and language**

Combined with the low literacy rate and other factors, there is a lack of general knowledge of the law and legal procedures among citizens. In addition, it is said that it is difficult to understand French legal terms even through an interpreter during trials, which is thought to be a factor that barriers to formal justice.

- **Social and cultural practices**

It has been mentioned that formal justice is considered "other", especially by people in rural areas, and is perceived as fears and out of touch with Nigerian customs and culture. On the other hand, for criminal cases such as violence and GBV, there is cooperation and collaboration with public institutions such as the police and gendarmerie.

- **Trust in the informal justice**

According to the National Survey on Judicial Corruption and Other Social Phenomena conducted nationwide by the National Bureau of Statistics in 2017, only less than 30% of the population trusts the judiciary. Although this may be related to lack of legal knowledge, the image of the judiciary, in general, is not good. Therefore the number of people using informal justice system is increasing.

- **Delays in the adoption of ICT in the judicial system**

ICT in the judicial system not only organizes statistical information efficiently but also reduces greatly the time for travel and transportation costs. In addition, the introduction of e-courts using video conferences does not require lawyers to travel to rural areas. However, the Internet network in the country is not sufficiently developed, and the majority of courts do not have an Internet connection, so it is not ready to introduce ICT in court proceedings.

- **Sustainability**

Although there is a mechanism to establish paralegals in rural areas, it is also important for the Ministry of Justice to secure the necessary budget and especially to raise the legal fees to sustain the legal aid system. Also, legal advice and awareness-raising depend on donors such as UNDP, but the government needs to mobilize funds to ensure that activities after the project ends.

8.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegals

In Niger, paralegals, known as DCOs, are placed in rural areas where access to lawyers is difficult. This system is one of the measures to counter the concentration of lawyers in urban areas, which is a common problem in Côte d'Ivoire and Senegal, and can be used as a reference for other countries. It would also be beneficial to establish inter-regional cooperation, for example, by partnering with paralegal network organizations in English-speaking Africa, where paralegal institutionalization is more advanced, to share paralegal training systems and training manuals.

(2) ICT

Legislation has been developed to introduce e-filing, e-case management and e-court, but it has not been implemented. In Niger, where the country is vast, ICT can significantly reduce physical travel time and costs, and the benefits of ICT are significant. In order to promote ICT in the judicial sector, it would be a good idea to learn from the example of IECMS in Rwanda, where ICT in the judicial sector has already been developed, and use it to promote ICT in Niger

(3) Mobile Legal Clinic

Conducting legal and rights awareness-raising for rural and nomadic populations living far from the center of the cities is not an easy task in the vast country like Niger. The provision of a vehicle for mobile legal clinics can be used effectively to raise awareness of law and rights among rural and nomadic populations.

(4) OSC

In Niger, there is a project called Spotlight Country Programme which is dedicated to GBV supported by UNDP, UNICEF and other UN agencies. Although OSCs have not been established in this project, it is possible to learn from other countries where OSCs have been established to complement the results of this project.

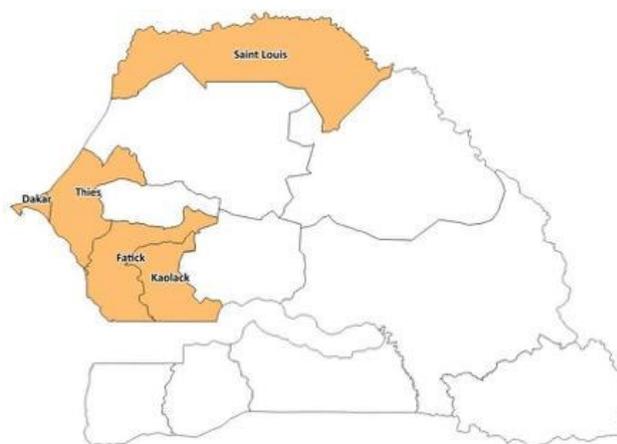
Another option would be to learn from the experience of the call center in Côte d'Ivoire in order to revitalize and improve its own toll-free hotline. In addition, Niger has established a national legal aid and information agency, the ANAJJ, which could share its experience with other countries considering the establishment of an ANAJJ equivalent.

Chapter 9. Survey Findings from Senegal

9.1 Summary

(1) Survey area

Senegal has a population of approximately 17.22 million (projected for 2021) and is composed of 14 regions. The survey area includes the major cities where the Court of Grand Instance is located.



Source: JICA Survey Team

Figure 9.1 Survey areas in Senegal

(2) Survey outline

Formal Justice: Same as France, the former colonial country, the judicial system of Senegal is based on civil law. The judicial system consists of the Court of Grand and District court as the lower instance, courts of appeal of the second level, and the Supreme Court at the highest level.

In both urban and rural areas, conciliation through discussion tends to be preferred between the parties involved under the mediation of religious leaders and village chiefs rather than resolution in the courts. Especially in rural areas, the physical inaccessibility of courts, and lack of legal knowledge due to low literacy rates are also factors that hinder access to formal justice. In urban areas, the mediator of the republic who receives and handles complaints from public officials and institutions, the Arbitration and Mediation Center, which deals with commercial matters, the Senegalese Human Rights Commission, and the House of Justice (Maisson de Justice).

Informal justice: In urban areas, district chiefs, Muslim leaders such as marabouts, and imams resolve disputes. In rural areas, the House of Justice (Maisson de Justice), marabouts, imams, and village chiefs are in charge of disputes resolution based on discussion. Issues related to GBV are considered taboo, and it is said that victims themselves rarely make accusations, which makes it difficult to grasp its realities.

Legal aid services: Since 2004, the Ministry of Justice, in collaboration with local governments around the country, has set up public institutions called Justice Houses (Maison de Justice) in 30 locations across the country to provide free legal consultations, assistance in obtaining administrative documents, and settlement and mediation services between disputants. In addition, the Bar Association manages and administers a legal aid budget of FCFA 500 million (around US\$ 90 thousand) per year. The majority of this budget is spent on reimbursement of court-appointed defense counsel in criminal cases, with limited allocation to civil cases.

Use of ICT: The preconditions for the introduction of ICT are not in place, such as the lack of internet access in the courts and the lack of ICT equipment. At the Court of Grand Instance of Dakar, the judgment records are stored in a database, which can be accessed only by internal officials. In other courts, judgment records are kept in paper form.

Challenges on Access to Justice: Insufficient legal aid budget for civil cases, lack of judicial personnel, and regional disparities due to the concentration of lawyers in the capital city, delays in establishing courts in rural areas, lack of legal knowledge, corruption in the judicial sector, and political intervention in the judiciary are said to hinder trust in formal justice. In addition, prosecuting GBV is considered taboo, which makes it difficult to grasp its realities.

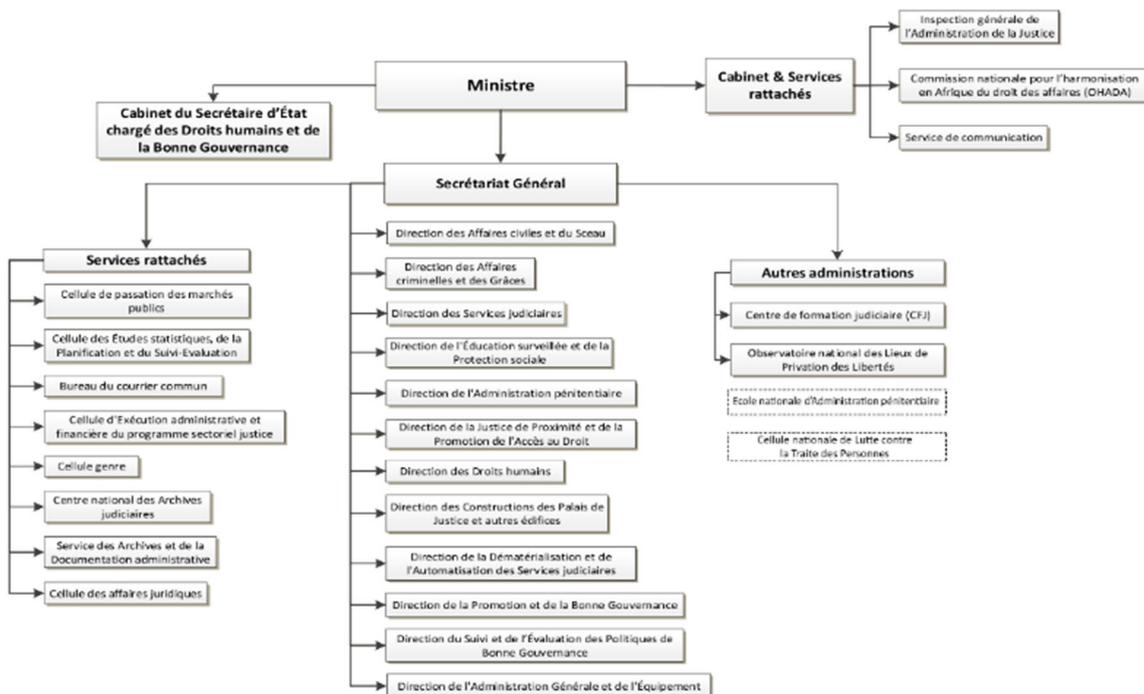
9.2 Governance and Judicial Sector

9.2.1 Judicial system

The judicial system of Senegal is influenced by the former colonizing country (France) and is based on civil law. The constitution is the supreme law of the land and consists of the Civil Code, the Criminal Code, the Commercial Code (OHADA), and the Labor Code. In addition to these codes, various customary laws are practiced by different ethnic groups and regions. The basic text governing the judicial system is Law No. 2017-23 of 28 June 2017 (Loi n° 2017-23 du 28 juin 2017)²¹³.

9.2.2 Organizational Structure

The Ministry of Justice (Ministère de la Justice), as shown in the figure, is composed of the Minister at the top, the Secretariat and attached agencies, the Assistant Minister for Human Rights and Good Governance, and the General Secretariat, which is divided into specialized departments, attached agencies, and other agencies.



Source: Ministère de la justice [url](#)

Figure 9.2 Ministry of Justice Organization Chart

²¹³ Loi n° 2017-23 du 28 juin 2017 modifiant les articles 5, 6, 7, 9 et 13 de la loi n° 2014-26 du 03 novembre 2014 fixant l'organisation judiciaire url

9.3 System of formal and informal justice

9.3.1 Court system

The judicial system in Senegal is shown in the figure below. The Tribunal de Grande Instance (TGI) and the Tribunal d'Instance (TI) are the lower courts in charge of the first instance, the Court of Appeal (Cour d'Appel) is the superior court, and the Supreme Court (Cour suprême) is the highest. In addition, there is the Court of Auditors (Cour des Comptes), which controls and investigates the expenditures of public institutions, and the Constitutional Council (Cour Constitutionnelle) which controls the constitutionality of laws and administers the voting process for the presidential and parliamentary elections. In addition, the Commercial Court (Tribunal de commerce) and the Labor Court (Tribunal de travail) have been established as exceptional courts.



Dakar Court of Grand Instance and Appeals

The TI, the court of the first instance, deals with criminal cases of Contravention and Délit, and civil cases below FCFA 2 million (approximately US\$ 3,600). The TGI handles civil cases and felony criminal cases that are not under the jurisdiction of TI²¹⁴. While the 2015 Decree on Judicial Organization²¹⁵ states that there should be six Courts of Appeal nationwide, but there are only five, there are only 15 TGI instead of 19, and are 38 TI instead of 45.

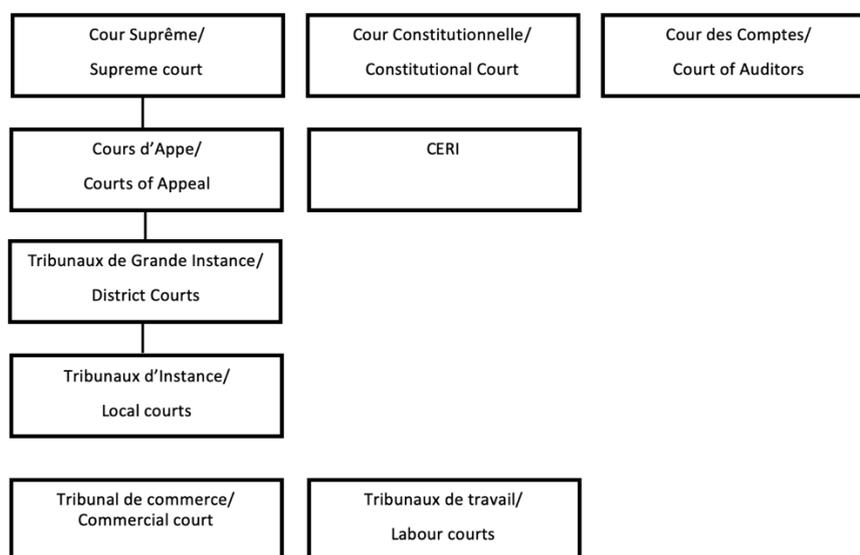


Figure 9.3 Court system in Senegal

Note: CERI (Cour de répression de l'enrichissement Illicite/Court of Repression of Illicit Enrichment)

²¹⁴ Décret n° 2015-1145 du 03 août 2015 fixant la composition et la compétence des cours d'appel, des tribunaux de grande instance et des tribunaux d'instance [url](#)

²¹⁵ Decret n°2015-1039 du 20 juillet 2015 portant aménagement de l'organisation judiciaire [url](#)

9.3.2 Dispute resolution systems outside the courts

(1) Formal Justice

The Mediator of the Republic (Médiateur de la République) receives and handles complaints from public officials and public institutions. Also, there is the Arbitration and Mediation Center of Dakar (Centre d'Arbitrage et de Médiation de Daka), which deal with commercial matters; the Senegalese Human Rights Commission (Comité Sénégalais des Droits de l'Homme: CSDH); district chiefs in each district (Chef de quarters)²¹⁶.

(2) Informal Justice

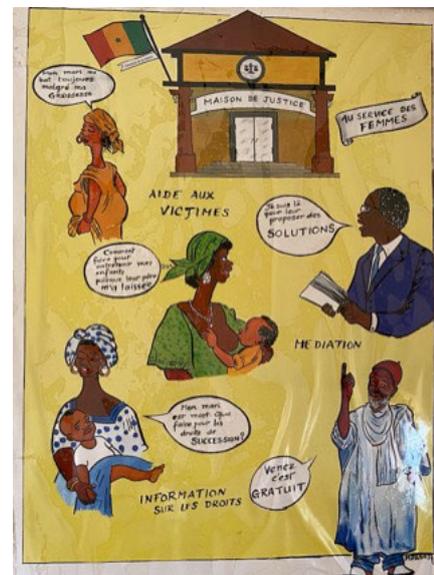
In urban areas, dispute resolution is also carried out by district chiefs, religious leaders, Muslim marabouts, Maison de Justice (House of Justice) in both urban and rural areas, and village chiefs in rural areas. The following is an overview of dispute resolution by the House of Justice, village chiefs, and Muslim marabouts.

1) Maison de Justice (House of Justice)

The House of Justice is an agency of the Ministry of Justice established in 2004 based on a decree of 1999²¹⁷. It aims to promote access to justice at the community level and to make justice more accessible to citizens. The operation of Justice Houses is carried out in cooperation and collaboration with local governments (municipalities). At present, 30 Justice Houses have been established nationwide, located in areas far from major cities where access to the courts is difficult.

The Justice House provides all three services free of charge: 1) provision of legal information, 2) mediation, and 3) assistance in obtaining administrative documents. Most of the consultations received at the Justice House are small, everyday disputes. These include debt repayment, child custody, inheritance, divorce, and problems with neighbors. Consultations related to microfinance are particularly common. One of the goals of the project is to reduce the number of cases handled by the courts by handling small-scale disputes, thereby reducing the burden on the courts.

Mediation at the Justice House is conducted in a confidential manner. The court hearings are exposed to the public eye, which is perceived as a shame in Africa. In addition, the language used is not French, but a local language, which eliminates language barriers and makes it easier to use. Mediators are not necessarily people who have studied law, but rather elders according to African culture, many of whom are retired former civil servants. For example, they are former police officers and teachers, and in the case of women, many are former social workers. Mediators are selected through an open recruitment process, and those who are competent, experienced, and have no moral problems are selected.



Judicial House poster

²¹⁶ The Dakar Arbitration and Mediation Center is an institution established in 1998 to resolve disputes through arbitration, mediation, and settlement in the commercial field in accordance with OHDA rules.

²¹⁷ Décret n° 99-1124 du 17 novembre 1999 relatif aux maisons de justice, à la médiation et à la conciliation [url](#)

2) Village Chief

In villages, the smallest administrative unit, various legal issues faced by residents are mediated under the supervision of a Chief de carré or Chief de village, who oversees the entire village. The 1996 decree²¹⁸ stipulates that the village chiefs are to serve as assistants to the administrative authorities and manage compliance with laws and ordinances. At the village level, when a problem arises, the first step is to consult the plot chief (chef de carre), and if the problem cannot be resolved, the village chief is consulted. Under the supervision of the village chief, mediation is conducted for the settlement based on discussion between the disputants. If the dispute cannot be resolved at the community level, it is taken to the county governor or the court.

3) Marabout

In Senegal, where 94% of the population is Muslim, each sector has a religious leader called a marabout²¹⁹. The Marabout is influential in urban and rural areas and is believed to play a major role in resolving political conflicts and faith in Marabout is deep.

9.4 Basic information on legal practitioners

9.4.1 Number of legal practitioners

(1) Lawyers (Advocates)

The number of lawyers registered with the Senegal Bar Association was 371 as of 2020²²⁰. In terms of the number of men and women, 325 (88%) are men and 46 (12%) are women, with women accounting for just over 10% of the total. Of the 371 lawyers, 35 (about 10%) have offices outside of Dakar, 10 of which are in Thiès, a city near Dakar. Compared to Côte d'Ivoire and Niger, there has been a greater deployment of lawyers outside of the capital, and access to lawyers in the regions is easier than in the other two countries.

(2) Magistrate

In Senegal, as in the French system, both judges and prosecutors are referred to together as Magistrates. As of 2017, there were 512 judicial officers, with 422 (82%) men and 90 (18%) women; the percentage of women is higher than that of lawyers, but still less than 20%²²¹. The Judiciary Sector Development Policy points out that the judiciary is understaffed. For all courts to function properly, the overall number of Magistrates needs to be increased by a factor of 2.5 to 1,335²²².

²¹⁸ Décret n° 96-228 du 22 mars 1996 modifiant le décret n° 72-636 du 29 mai 1972 relatif aux attributions des chefs de circonscription administrative et des chefs de village [url](#)

²¹⁹ A marabout is "a living or dead person who is believed to have a special relationship with God, and whose special relationship places them in a specially privileged position to serve as intermediaries with supernatural beings and to transmit God's grace to their followers. Source: Ogawa, Ryo 1998, "Kokkaishi as Possibility: People and Religion in the Modern African Nation," Sekai Shiso-sha, Inc.

²²⁰ Ordre des avocats du Sénégal [url](#)

²²¹ Ministère de la Justice, Rapport d'activité 2017 [url](#)

²²² Ministère de la Justice, Lettre de Politique sectorielle de Développement 2018-2022 [url](#)

9.4.2 Qualifications

(1) Lawyer

In order to qualify as a lawyer, one must first pass an examination conducted by the bar association. The requirement is to have a master's degree in law (Master 2 en droit). Those who pass the exam are assigned to a law firm as trainees and undergo three years of class-based and practical training before being officially admitted as lawyers. Senegal, like Côte d'Ivoire and Niger, is a member of UEMOA, but it has not yet developed a mechanism to obtain CAPA as the other two countries have²²³.

(2) Magistrates

Magistrates are trained at the Centre de Formation Judiciaire (CFJ). To qualify for the judicial academy, applicants must have a master's degree in law (Master 2 en droit) and be under 40 years old. After passing the CFJ's entrance exam, students undergo 24 months of training. After passing the CFJ entrance exam, they will undergo 24 months of training, the first year of which will be classroom lectures and the remaining year will be practical training at the court. The first year is classroom training, and the second year is practical training at the courts. After completing the practical training, they submit a paper and take an oral examination, and if they pass, they become Magistrates²²⁴.

9.4.3 Training

In addition to the initial training mentioned above, continuous training for current judicial officers will be provided by the CFJ. The details of the continuous training are not yet available, but according to the MOJ Sector Development Policy document, the continuous training is funded by donors such as AFD, EU, UNICEF, and the World Bank²²⁵.

9.4.4 Lawyers involved in the dispute resolution

(1) Role of lawyers in dispute resolution

In addition to regular legal services such as litigation in civil and criminal courts, lawyers play a major role in resolving disputes in formal justice, including as court-appointed defense attorneys in felony trials conducted in the Court of Grand Instance.

(2) Remuneration Structure

According to UEMOA Community regulation on the harmonization of the legal profession, the remuneration can be set freely by each individual, and there is no minimum or maximum limit to the amount of remuneration. On the other hand, the standard amount of attorney's remuneration is set by the Ministerial Ordinance²²⁶. The minimum fee for oral consultation is FCFA 50 thousand (about US\$ 90), the minimum fee for civil trials in the first instance is FCFA 250 thousand (about US\$ 450), and the minimum fee for criminal cases is FCFA 350

²²³ Interview with the Senegal Bar Association (July 23, 2021)

²²⁴ Centre de Formation Judiciaire [url](#)

²²⁵ Ministère de la Justice, Rapport d'activité 2017 [url](#)

²²⁶ Arrêté ministériel n° 11032 en date du 26 décembre 2008, fixant le barème de référence des honoraires d'avocats à partir du 1er novembre 2008 [url](#)

thousand (about US\$ 630). In addition, the remuneration for court-appointed defense attorneys in felony trials is paid by the government's legal aid budget and is FCFA 500 thousand (about US\$ 900) per case.

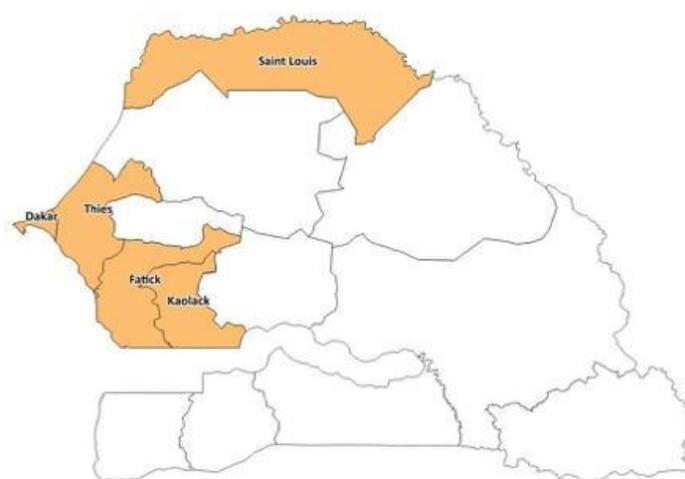
(3) Pro bono

According to the Bar Association, pro bono activities are not conducted²²⁷.

9.5 Social needs analysis for access to justice

9.5.1 Common disputes and means of resolutions

This survey was conducted in two urban and four rural areas, as shown in the table below, taking into account accessibility from the capital and security. Senegal has a population of about 17.22 million (projected for 2021) and is consisted of 14 regions. The survey sites are the major cities where the courts of grand instance are located.



Source: JICA Survey Team

Figure 9.4 Survey areas in Senegal

Table 9-1 Overview of the survey areas in Senegal

Area	Name	Overview
Urban	Dakar Niamey	The capital of Senegal and the administrative and economic center of the country. It is home to about 3.93 million people. The poverty index is 26.1%, the lowest in the country, and the literacy rate is 68.6%, the highest in the country.
	Thiès	The capital and second-largest city of the province of Thiès, near the capital. The total population of the province is about 2.22 million. Urban areas account for 28.1% of the population. The poverty index is 41.3%, and the literacy rate is 53.8%.
Rural	Thiès	Same as above.
	Fatick	The capital of Fatih Province. The total population of the oblast is about 930,000. Urban areas account for 17.1% of the population, and about 80% of the population lives in rural areas. The poverty index is high at 67.8%, and the literacy rate is 45.8%, lower than the national average (52%).
	Kaolack	The capital of the state of Khao Lak. The total population of the state is about 1.22 million. Urban areas account for 25.3% of the population, with three-quarters of the population living in rural areas. The poverty index is high at 61.7%, and the literacy rate is 50.2%.
	Saint-Louis	The capital of the state of Saint-Louis. The total population of the state is about 1.12 million. The percentage of the population in urban areas is 17.8%, and the urbanization rate is low. The poverty index is 39.7%, and the literacy rate is 53.2%.

Source: Compiled from Agence Nationale de la Statistique et de la Démographie ([url1](#), [url2](#), [url3](#)), [World Bank](#)

²²⁷ Hearing with the Senegal Bar Association (April 2021)

(1) Common Disputes

The most common legal issues in urban areas are labor and employment relations regarding dismissal and salary, disputes over land rights, and marital problems. In rural areas, land disputes are also the most common, including pastoralist-agriculturalist disputes such as livestock destroying farmland, land ownership issues, and family issues such as property inheritance, marriage, divorce, child custody, and domestic violence. In rural areas, issues related to GBV, such as rape, early marriage, forced marriage, and FGM, are considered taboo, and victims themselves rarely make accusations, making it difficult to see the reality. For early and forced marriages, the imam may intervene and resolve the issue, but for other GBV issues, it is said that if the problem is found, the police or gendarmerie is informed.

Table 9-2 Main conflict issues

Urban	Rural
<ul style="list-style-type: none"> ● Land dispute ● Employment issues ● Succession to or inheritance of property ● Marriage, divorce, and other marital issues 	<ul style="list-style-type: none"> ● Land dispute ● Conflicts between farmers and pastoralists ● Succession to or inheritance of property ● Marriage, divorce, and child custody

(2) Challenges for vulnerable groups

In Senegal, the vulnerable groups are generally considered to be the poor, the disabled, and victims of crime, women, minors, refugees, and others. The challenges faced by the vulnerable groups are the same as the common challenges mentioned above, and there are no major differences. According to the legal aid department of the Ministry of Justice, vulnerable groups include beggars, kidnapped minors, victims of domestic violence, and victims of rape.

9.5.2 Public perception towards the judicial system

In rural areas, informal dispute resolution by traditional chiefs and imams at the village level is said to be more trusted. This is partly due to the procedural and cost advantages, which are easy to access, inexpensive, and less time-consuming. Also, informal dispute resolution allows the disputants to maintain their relationship. Since mediation in villages is done for conciliation and does not divide the parties into winners and losers as formal justice, it is considered easier to avoid deterioration of relations between the disputants, and village residents are satisfied with mediation by traditional chiefs based on customary practices. On the other hand, the literacy rate is low and few citizens have knowledge and information about laws and judicial procedures. This lack of legal knowledge is also a factor in the preference for informal dispute resolution.

In urban areas, as in rural areas, informal dispute resolution by religious leaders and marabouts is likely to be favored. Especially in family and marital issues, informal justice mediation is frequently used. Also, even in urban areas, knowledge and information about laws and judicial procedures are generally limited. Also, the trust in formal justice is not high in urban areas²²⁸, because legal fees are high and sentencing takes a long time, and the citizens consider that judicial corruption and political influence could influence sentences.

²²⁸ Interviews in Dakar and Thies (April 2020)

9.6 Policies and institutions for access to justice

9.6.1 National policies on access to justice

(1) Ministry of Justice Sector Development Policy Document 2018-2022 (Lettre de Politique sectorielle de Développement du Ministère de la Justice 2018-2022)

According to the National development plan, the Emerging Senegal Plan (Plan Sénégal Emergent), the Ministry of Justice has developed the Justice Sector Development Policy Document 2018-2022 (Lettre de Politique sectorielle de Développement du Ministère de la Justice 2018-2022)²²⁹. The policy has as its overarching goal to ensure the proper functioning of judicial institutions and prisons to provide litigants, prisoners, and citizens with accessible, effective, and efficient judicial services, fully independent, capable of protecting liberties, and guaranteeing individual and collective rights. It also lists 17 specific goals, with improving access to justice being 1 and 2 of the following specific goals:

1. Establish accessible and functional courts; and
2. Improve citizens' access to legal information and judicial services

Regarding the first goal, it is planned to improve physical access to the courts by constructing new courthouses and providing necessary equipment. For the second goal, it is envisaged to expand the number of House of Justice, improve the provision of information on judicial procedures, enact a legal aid law, and establish national and local legal aid offices.

(2) Legal Aid Law

The Law No. 1996/1 of January 10, 1996 on free legal aid (loi 1/1996 du 10 janvier 1996 relative à l'assistance juridique gratuite) provides for legal aid for the poor. However, the legal aid law did not function in practice until 2005. The legal aid office is located in the Palais de justice in Dakar. The legal aid fund is managed and administered by the Bar Association under the Directorate of the Civil and Seal Department (Direction des Affaires civiles et du Sceau). The Ministry of Justice's sector development policy document plans to establish legal aid offices at the national and local levels, but these offices have not yet been established.

9.6.2 Institutions and jurisdiction on access to justice

The department in charge of legal aid is the Department of Civil Affairs and Seals (Direction des Affaires Civiles et du Seau). A separate Commission de l'assistance judiciaire (Legal Aid Commission) has been established and is responsible for the work of legal aid. In addition, the legal aid national and regional offices planned in the Judiciary Sector Development Policy have not been established outside of Dakar at present. Access to justice in general, including the House of Justice, is handled by the Directorate of Community Justice and Promotion of Access to law (Direction de la Justice de Proximité et de la Promotion de l'Accès au Droit: DJPPAD) of the Ministry of Justice. The DJPPAD is responsible for access to justice in general²³⁰.

²²⁹ Ministère de la Justice, Lettre de Politique sectorielle de Développement 2018-2022 [url](#) (access date: July 24, 2021).

²³⁰ Ministère de la Justice website [url](#) (July 24, 2021)

9.6.3 Legal aid system and service

(1) Budget for legal aid

Although no legal aid law has been adopted, there is an annual legal aid budget of FCFA 500 million (around US\$ 900 thousand), which is managed and administered by the Bar Association under the supervision of the Director of the Dakar Court of Appeal²³¹. The basis for the Bar Association's management and administration of the legal aid budget is the Law on the Community of Lawyers of UEMOA. Almost all of the legal aid budget is spent on reimbursement of court-appointed defense attorneys in criminal cases and is not allocated to civil cases²³².

In felony trials held in courts of grand instance across the country in 2017, 791 cases were conducted with court-appointed defense attorneys. The remuneration for the lawyers is covered by the national legal aid budget and amounts to FCFA 500 thousand (around US\$ 90) per case²³³. The Senegalese Bar Association has a system of giving priority to lawyers who have established their own offices in rural areas when felony trials are held in rural areas²³⁴.

The number of legal aid granted in ²³⁵2020 is as follows. With the exception of the cost of court-appointed defense counsel, the number of applications for legal aid is low. This is because the budget is not sufficient to provide assistance to all applicants.

- Number of court-appointed defense counsel in felony cases: 795 cases (734 men, 61 women)
- Number of applications through the Action éducative en milieu ouvert (AEMO) of the Directorate of Education, Supervision and Social Security of the Ministry of Justice for minors: 388, including 166 for legal aid
- Number of applications through local NGO, Association des Juristes Sénégalaises (Senegalese Women Lawyers): 149, including 17 for legal aid provision
- Number of applications for assistance related to GBV received by the Legal Affairs Bureau: 217, of which 20 were for legal aid provision
- Number of applications received from Dakar Prison: 354, of which 0 were for legal aid provision

(2) Status of provision of legal consultation and legal aid, and players and users

1) House of Justice (Maison de Justice)

According to the statistics of judicial houses in 2018, 42,577 consultations and requests were made to the House of Justice across the country, of which 13,046 (about 30%) were for providing information on the law and judicial procedures, 10,928 for mediation and reconciliation (about 25%), and 18,145 (about 42%) for obtaining and preparing administrative documents ²³⁶.

²³¹ According to interviews with the bar association (May 2021)

²³² Ministère de la Justice, Rapport d'activité 2017 [url](#)

²³³ Ibid.

²³⁴ Interview with the Ivory Coast Bar Association, June 16, 2021.

²³⁵ Interview with the Legal Aid Secretariat, October 12, 2021.

²³⁶ L'activité des Maisons de Justice 2016-2018 [url](#)

Below are the statistics of the House of Justice in Gossas district in 2020²³⁷. About 80% of the cases are for assistance in obtaining and preparing administrative documents.

- Total number of cases: 1,500
- Information provided: 175 (11%)
- Mediation: 144 cases (10%)
- Acquisition and preparation of administrative documents: 1,181 cases (79%)

The number of cases using the Justice House in 2019 and 2020 are as follows: in 2020, the Justice House activities could not be carried out as usual due to Covid-19. In addition, the number of cases has decreased compared to 2019 because many mediators are elderly and mediation was temporarily suspended to prevent Covid-19 infection.

Table 9-3 Number of cases using the Justice House

Year	Providing legal information	Mediation	Document Acquisition Support	Total
2019	13,500	13,421	22,190	50,539
2020	13,675	10,173	13,667	49,503

Source: Directorate of Community Justice and Promotion of Access to law

2) Judicial Information Office (Bureaux d'Information du Justiciable : BIJ)

Bureaux d'Information du Justiciable (BIJ) has been set up in universities as part of the Justice Ministry's efforts to improve access to justice²³⁸. The BIJ has an agreement with the university, and the law school is responsible for training the BIJ staff. Recently, the BIJ has been expanding its activities not only providing information to students but also mediating disputes between students. At present, BIJs have been set up in four national universities: Dakar, Thiès, Saint-Louis, and Ziguinchor. However, at the University of Dakar, the BIJ office exists but has not been functioning for several years²³⁹.

3) NGOs

Activities such as the provision of legal information and protection of human rights are being carried out by local NGOs. The Association des Juristes Sénégalaises (Association of Senegalese Lawyers) was established by women lawyers more than 40 years ago, and conducts legal awareness, provides legal information, assists victims of violence, and operates a call center with a toll-free number²⁴⁰. Its members consist of women lawyers, all of whom have at least a master's degree in law. Its headquarters are in Dakar, but it has set up boutiques du droit (legal boutiques) in six provinces (Kaolack, Thiès, Ziguinchor, Kolda, Sédhiou, Louga) and two in Dakar (Médina, Pikine) to provide free legal assistance to vulnerable women and children. In cases of sexual assault, the Boutiques provide assistance in obtaining medical certificates, filing victim reports, psychological care, as well as cooperation with lawyers to provide relief.

In the area of human rights, the Organisation Nationale des Droits de l'Homme (ONDH), which was established in 1987 and is a member of the International Federation for Human Rights (FIFD), and the Senegalese branch of

²³⁷ Interview with Maison de justice Gossas (April 2021).

²³⁸ (L'activité des Maisons de Justice 2016-2018 [url](#))

²³⁹ Interview at the University of Dakar, July 26, 2021.

²⁴⁰ Association des Juristes Sénégalaises website [url](#)

Amnesty International provide consultation on human rights violations. If necessary, Amnesty will ask for assistance from lawyers.

4) Paralegals

In Senegal, as in Côte d'Ivoire, paralegals are not institutionalized and at present there appear to be no plans to institutionalize paralegals. There is also no official definition of Parajuriste, the French translation of paralegal. The staff of NGOs who provide legal information and legal advice are called Juriste, and they have a master's degree in law but do not hold any qualification. The coordinators of the justice houses also provide legal information and conduct mediations, although they may not have a law degree or legal qualification.

(3) Measures to improve the quality of access to justice

Compared to Côte d'Ivoire and Niger, the budget for court-appointed defense attorneys in criminal cases is more generous, and there is a more efficient system in place, such as giving priority to lawyers with offices in rural areas for felony trials. On the other hand, the majority of the budget is spent on legal fees for court-appointed defense attorneys, and more money is needed to allocate to legal aid for civil cases. To expand access to legal aid in rural areas, it is also necessary to establish legal aid offices in rural areas.

9.6.4 Call center operation

(1) Ministry of Justice

The Department of Justice has not established a call center.

(2) Local NGO

As already mentioned, a local NGO, the Association des Juristes Sénégalaises (Association of Senegalese Lawyers), operates a free call center to provide legal advice and information.

9.7 Infrastructure supporting access to justice and public relations

9.7.1 Communication infrastructure

According to a survey by Afrobarometer, 75% of Senegalese get their information from the radio and 73% from television several times a week. It shows that these traditional media are the primary means of obtaining information. Radio, in particular, is widely used by people of all ages in urban and rural areas. After radio and TV, 54% of respondents get their information from SNS, but the main users are the younger generation with higher education levels in urban areas²⁴¹.

9.7.2 Education system

(1) Primary and secondary education

In primary and secondary education, lectures on human and civic rights are given in civic and moral education (Instruction civique et morale).

²⁴¹ Afrobarometer 2021, Dépêche No. 451 [url](#)

(2) Higher education

As in Cote d'Ivoire and Niger, the faculties of law in Universities teach the basics of law in the first and second years, and in the third year, students choose and take courses in public and private law. In the French-speaking countries' educational system, a bachelor's degree can be obtained in three years and a master's degree in two years. In the master's program, students are divided into courses in public or private law from the first year. The following is a table showing the curriculum of the Faculty of Law at the Université Cheikh Anta Diop de Dakar, the largest national university in Dakar.

Table 9-4 Overview of the curriculum of the Bachelor of Law Program at the University of Shek Anta Jop Dakar

First-year	Second-year	Third-year	
<ul style="list-style-type: none"> ● Introduction to Law ● history of the legal system ● Public Institutional History ● constitution ● Private and Family Law ● Introduction to Community Law ● Introduction to Political Science 	<ul style="list-style-type: none"> ● public finance ● General Criminal Law ● Property Law ● administrative law ● Criminal Procedure Code ● political economy ● Civil liability/general system ● Basic Legal English 	<p>[Private Law]</p> <ul style="list-style-type: none"> ● social security ● Sole Proprietorship Laws ● personal labor-management relations ● law governing rights within a country ● Code of Civil Procedure/Civil Trial Law ● execution procedures ● administrative litigation (action) ● private law history ● Islamic law (i.e. sharia) ● Contracts ● Law of the Sea ● Banking Act ● taxation law ● corporate accounting ● Local Government Labor-Management Relations ● Law on Profit-Making Organizations ● International Business Law ● Criminal law and crime science ● Criminal Law 	<p>[Public Law]</p> <ul style="list-style-type: none"> ● African Political Institutions ● International Organization Law ● Community Institutions Act ● constitutional court ● social security ● Administrative Law 3 and 4 ● Labor Law ● Public International Law 1 and 2 ● Administrative Litigation Law ● taxation law ● Community Taxation Law ● Introduction to International Environmental Law ● Introduction to International Fundamental Rights Studies ● Political and Administrative History of Senegal

Table 9-5 Overview of the curriculum of the Master of Laws program at Shek Anta Jop Dakar University

First-year		Second-year	
<p>[Private law]</p> <ul style="list-style-type: none"> ● A general theory of business contracts ● Insurance contracts ● History of the law of claims ● Contract method ● Economic litigation ● Management and prevention of insolvency risk ● Company law 	<p>[Public law]</p> <ul style="list-style-type: none"> ● Economics and public law 1, 2 ● Public corporations and government ● Enterprises labor relations act ● Public administration ● Community public finance ● International Humanitarian law 	<p>[Private law]</p> <ul style="list-style-type: none"> ● Traffic law ● Operating prefecture ● Petroleum and mining law ● Contract method ● Corporate social responsibility ● Corporate reorganization ● Civic responsibility ● Alternative dispute resolution methods 	<p>[Public law]</p> <ul style="list-style-type: none"> ● Deterrent laws for financial and economic misdemeanors ● Taxation science ● International litigation ● History of public law ● Official contract ● Diplomatic and consular law ● Municipal litigation

<ul style="list-style-type: none"> ● Data processing ● Legal english ● Economic criminal law ● Accounting ● Taxation law ● History of commercial law ● History of law 	<ul style="list-style-type: none"> ● Constitutional precedent ● Local government act ● Data processing ● Mining law ● International criminal law ● Official service law ● Civil service litigation ● Official government business ● Public procurement law 	<ul style="list-style-type: none"> ● General obligation system ● International commercial law <p>Master's thesis</p>	<ul style="list-style-type: none"> ● Competition law ● National property litigation ● Public finance law 2 <p>Master's thesis</p>
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(3) Adult education

Local NGOs visit villages and also conduct awareness-raising activities on the law through community radio. When new laws are promulgated, there are no specific awareness-raising activities conducted by the government, and adults have little opportunity to learn about laws and judicial procedures.

9.7.3 Public relation tools

(1) Websites

The website of the Ministry of Justice contains various information such as the latest news, introduction to the departments of the Ministry introduction to the court system, explanation of how to obtain criminal records, living conditions in prisons, Judiciary sector development policy texts, and various laws. However, there is no specific information on access to justice, and no links to the House of Justice.

(2) Social media

The Ministry of Justice actively posts information on new laws, decrees, and seminars on Facebook. It also disseminates information on Twitter but updates it less frequently than on Facebook. No public relations activities are using mobile applications.

(3) Traditional Media

Information on legal education and awareness-raising activities about the judicial system using radio and TV programs are not available.

9.8 Introduction of ICT in the judicial system

9.8.1 Polices of ICT introduction in the legal system

In the Sector Development Plan of the Ministry of Justice (MoJ)²⁴², the lack of ICT equipment in the MoJ and courts, as well as the need for digitization of court proceedings are mentioned. On the other hand, the Department of Digitization and Automation of Judicial Services (Direction de la Dématérialisation et de l'Automatisation des Services judiciaires, DDASJ) has been established in the Ministry of Justice and is responsible for the modernization of the judiciary. According to the DDASJ, a contest will be held for start-up companies to develop a system to promote the digitization of criminal records issued by the courts²⁴³.

²⁴² Ministère de la Justice, Lettre de Politique sectorielle de Développement 2018-2022 [url](#)

²⁴³ Ministère de la Justice website [url](#)

9.8.2 Current status of ICT adoption

To promote ICT, PCs, photocopiers, printers, scanners, and voltage machines have been placed in the MoJ and courts nationwide with a budget of FCFA 500 million (approximately US\$ 900 thousand) in 2020. However, in order to equip all courts with ICT equipment, internet, servers and data backup systems, a budget of 5 billion FCFA (about US\$9,050,700) is needed. In addition, the commercial court allows lawyers to conduct judicial proceedings online. In addition, as a digitalization initiative, the Trade and Personal Property Credit Register (Reistre du Commerce et du Crédit Mobilier : RCCM) procedure can be conducted online²⁴⁴. On the other hand, the digitization of the judiciary, in general, has been delayed, and paper-based records are still being kept.

(1) e-filing, e-case management

e-filing has been introduced only in commercial courts. There are no courts that have introduced e-case management.

(2) e-court

The e-court system has not yet been implemented. On the other hand, DDASJ has tested e-court system in local courts and confirmed that it works well. However, in order to introduce e-court, the law needs to be amended, but no legislation has been drafted yet.

9.9 Donor funded activities

The project identified in the area of access to justice is as follows.

(1) AFD

- Project name: Senegal Civil and Commercial Justice Support Project (Projet d'appui à la justice civile et commerciale au Sénégal : JUCICOM)
- Period: from January 2021
- Budget: 20 million Euros: 8 million Euros (Grant), 12 million Euros (Loan)
- Implementing Agency: Ministry of Justice
- Objective: To improve civil and commercial justice to strengthen the strategic and practical management of the Judiciary Sector Development Policy Document and ensure a business environment.
- Activities: 1) Strengthening access to commercial justice; 2) Establishing a new training center for judicial officers and legal professionals; 3) Improving access to justice through digitization (e-justice); 4) Supporting the Ministry of Justice in project management and strategic and practical management of sector development policy documents.

²⁴⁴ Hearing from the Department of Justice (May 2021)

9.10 Challenges of access to justice in the country

The challenges to the system of access to justice include an insufficient budget for legal aid in the civil sector, lack of human capital, regional disparities, lack of legal knowledge, and delays in the introduction of ICT and digitalization.

- **Lack of budget for legal aid in the civil cases**

Compared to Cote d'Ivoire and Niger, the MoJ of Senegal has more legal aid budget, and the bar association manages and administers 100% of the budget, which is a leading approach. On the other hand, the majority of the legal aid budget is allocated to the remuneration of court-appointed defense attorneys for criminal cases and is not used for legal aid of civil cases.

- **No local legal aid offices established**

Senegal is taking the lead in improving access to justice through state-sponsored initiatives, such as the deployment of the House of Justice throughout the country to provide free consultation and mediation on legal issues to citizens. However, no local legal aid offices have been established outside of Dakar.

- **Lack of human resources**

The number of Magistrates is inadequate and there are too many cases held by one Magistrate, which hinders the proper functioning of the courts. Although the Judiciary plans to train more Magistrates, the number of Magistrates to be trained annually is only 35. Also, the implementation of continuous training is considered to be donor-dependent, and the qualification examination under UEMOA's regulation for lawyers is not yet in place.

- **Regional disparity**

The courts have not been established as stipulated in the 2015 decree. There are only five courts of appeal, compared to six in the plan, 15 out of 19 courts of grand instance, and 38 out of 45 courts of district courts, making physical access to justice difficult in rural areas.

- **Lack of knowledge and understanding of laws, rights and language**

There is a lack of general knowledge of the law and legal procedures among citizens with low literacy rates, especially in rural areas. In addition, many French legal terms are normally difficult to understand, which is one of the factors that make access to formal justice difficult.

- **Social and cultural practices**

Issues related to GBV are considered taboo, and it is said that victims themselves rarely make accusations, which makes it difficult to grasp its realities. The awareness-raising of GBV may be necessary to reduce taboos.

- **Corruption among judicial officials**

According to the result of the interviews, it is said that dispute resolution in the courts tends to be politically influenced and carries the risk of not being judged fairly, which is also a factor that hinders access to formal justice.

- **Delays in the adoption of ICT in the judicial system**

ICT in the judicial system not only contributes to the shortage of human resources but also improves

physical distance by reducing travel time and transportation costs. The introduction of e-courts using video conference also eliminates the need for lawyers to travel to rural areas. However, ICT is still lagging and documents are still kept in paper-based format, and it will take time to promote digitalization.

- **Sustainability**

In Senegal, the Ministry of Justice operates the House of Justice without donor support, and the legal aid fund is sufficiently allocated to the bar association for criminal cases. However, some continuous training depends on donors, and one of the challenges is to reinforce the capacity building of judicial officers sustainably.

9.11 JICA's support measures, evaluation of such measures, and necessary consideration

(1) Paralegals

In Senegal, coordinators without legal qualifications provide legal information and conduct mediation at the Judicial House operated. In order to strengthen the capacity of the so-called paralegals who work in the justice houses, it is suggested that the training materials of the paralegal networks in Anglophone Africa be translated into French and used for training.

(2) ICT

The Department for the Promotion of Digitalization has been set up within the Ministry of Justice to promote the use of ICT, but at present e-filing, e-case management, and e-court have not been introduced. In order to promote ICT in the judiciary sector, it would be useful to learn from the examples of IECMS in Rwanda, where ICT in the judiciary sector has already been developed, and use them to promote ICT in our country.

(3) Mobile Legal Clinic

The introduction of mobile legal clinics in the justice houses may be useful to raise awareness of the law and rights among the residents who have difficulty in accessing the justice houses.

(4) OSC

Although there is no information available on OSCs in Senegal, AJS, a local NGO, provides comprehensive support to victims of sexual violence in its Boutique du droit (Justice Boutique), such as assistance in obtaining medical certificates, filing a police report, and psychological care.

Besides, Senegal is comprehensively addressing legal issues at the community level in the justice house (Maison de Justice), run by the Ministry of Justice. Other activities, such as the system of court-appointed lawyers, have been implemented to help improve access to justice in other countries, and it is highly significant to share Senegal's experience with other countries.

Chapter 10. Experimental Training on ICT use in the Judicial System

10.1 Background and Purpose

(1) Background

With the spread of the Covid-19, digitization in the judicial field has been gaining attention. The same trend is found in African countries with the support of donor organizations. Efforts are being made to improve access to justice through Information and Communication Technologies (ICT) from the perspective of improving efficiency as well as from ensuring public health. In this survey, the implementation of the pilot project was added to the survey scope to utilize the experience in future support by actually implementing the pilot project, not limited to the needs survey in the same field.

In African countries, the right to proper procedures has become a major issue in the criminal justice system. In particular, suspects or defendants are vulnerable to ill-treatment and torture during pretrial detention and are often placed in inhumane conditions. Many detainees lack knowledge of basic rights and the majority are poor and have no access to legal representation. As a result, the duration of detention has been prolonged which leads to overcrowding of prisons. These problems are becoming more and more serious with the Covid-19 pandemic, and there is increasing urgency for solving the problems by the use of ICT.

Based on the above, it was decided that the survey will include a pilot project which uses an ICT solution to allow detainees to access lawyers in Rwanda.

(2) Purpose

This pilot project develops the mobile Application (“App”) to connect prison detainees and lawyers in Rwanda to improve the access to justice for those seeking legal protection. The purpose of this pilot project is to confirm its effectiveness and identify issues to become a proof case for the global expansion of this model. Since the App is expected to be the first point of contact for legal services, a function includes not only criminal cases but also civil cases with referral to related organizations.

(3) Implementation Agency

International Bridges to Justice (IBJ) is an international NGO that started with the aim of solving the human rights issues of suspects and defendants resulting from pending criminal cases. Through early access to police stations, prisons and barristers, we are working to improve judicial access to vulnerable groups. In recent years, it has developed a mobile App for suspects and defendants to access lawyers, implementing it in Cambodia and Sri Lanka in 2019 and Syria in 2020. In this pilot project, the existing Application will be improved for trial use in Rwanda.

(4) Target Beneficiaries

The pilot project provides training to lawyers and law enforcement officers including officials in the police, prison, and correction facilities for the use of the App. Community volunteers and Irembo agents²⁴⁵ are also trained to assist beneficiaries' families or relatives to file the cases.

The beneficiaries for the pilot projects are in line with those who are eligible for legal aid services. Identification of those groups refers to the official Ubudehe categories A to E²⁴⁶ designed by the Rwandan government which is based on household income, age, gender, number of dependents, occupation, illness, or other disabilities. The target beneficiaries are D and E Ubudehe categories who are the poorest and most vulnerable in society.

10.2 Activities

The period of this pilot project is from February to December 2021, and the activities include the following six tasks. Details are shown in Table 10.1.

1. App development
2. App training
3. Awareness-raising activities of the use of the App
4. Providing legal assistance services using the App
5. Conducting ICT workshops
6. Sharing App experiences and lessons in the workshop

Table 10-1 Pilot project activities

Activity	Duration	List of Activities
1. App development	February – May 2021	<ul style="list-style-type: none"> ● App Development ● App Task Force Selection ● App Community Volunteer Recruitment
2. App Training	April 2021	<ul style="list-style-type: none"> ● App Task Force Training ● Community Volunteer Training
3. Awareness-raising events	May – July 2021	<ul style="list-style-type: none"> ● App Launch Event ● Awareness-raising events
4. Legal assistance	May – September 2021	<ul style="list-style-type: none"> ● Provision of legal assistance using the App
5. ICT Workshop	September	<ul style="list-style-type: none"> ● Conducting ICT workshops ● Discussion on future improvements
6. Regional Workshop	November/December	<ul style="list-style-type: none"> ● Participation in workshops

²⁴⁵ Irembo agents are employees of cyber cafes (Irembo centers) in the community where one can purchase phone and internet time. They were chosen by RBJ because they provide government services in remote areas and have been trained by courts to assist people in using Rwanda's recently implemented online court system.

²⁴⁶ Ubudehe can be understood as a socio-economic stratification system in which poor Rwandans are supported with social protection schemes. There are five categories, represented by letters A to E. A and B are households with diverse life choices and self-reliant that spur community empowerment and graduation from poverty. C and D are self-reliant households that benefit from social protection interventions and multi-sectoral interventions and have to sign performance contracts (Imihigo) for graduation within a period of 2 years. Category E (Special) is those who are aged, more vulnerable and probably have no skills to pursue any job.

10.2.1 Development of the application

IBJ has optimized this project to build on a previously developed App designed for the context of Syria. The App was modified to be responsive to the local needs of Rwanda. At the same time, some adjustments are made so that the system could be easily changed depending on the country and expandable to other countries.

(1) App development methodology

The development methodology for this App was performed in iterations, called “sprints” that repeat a short development cycle. The App development lifecycle consists of the following stages: 1) requirements specification, 2) design, 3) implementation, 4) testing, and, 5) deployment and maintenance.

- 1) Requirements specification: the App developer conducted interviews with IBJ/RBJ to understand their system objectives and needs. These were then organized into a document that details the software system's functional and non-functional requirements. This document was then reviewed by IBJ and JICA Survey Team and transformed into a “requirements specifications document” listing the necessary features.
- 2) Design: the App developer created the interface design, database design, and the user’s behavior design. The interface design was then shared with IBJ/RBJ and some of the designs were later revised based on user feedback to ensure that the system was user-friendly.
- 3) Implementation: all components of the system were developed, including the front-end (user interface) the back-end (programmer interface) the mobile Application, and any other component on the requirements specification document.
- 4) Testing: the App development team performed a variety of tests to ensure the system is operational, reliable, and production-ready.
 - Unit and integration testing: internal testing was performed to ensure that the individual components of the system behave as expected and that their basic functionality is operational.
 - Regression Testing: at the release of every new feature and/or new update or upgrade to an existing feature, all integration and unit tests are repeated to ensure that all functionalities and features of the system were still operational after the system changes were implemented.
 - User Acceptance Testing: performed by IBJ/RBJ to ensure that the system that was specified and developed conforms to the desired objectives, functionalities, and features.
- 5) Deployment and Maintenance: after system implementation and testing, the App developer packaged the system files. While project stakeholders used the system, the App developer tracked system usage and performance and fixed any problems that arose.

(2) App functions

The App has four functions and the function selection screen is shown in Figure 10.1. Two interfaces have been created, "JusticeHub Admin" used by lawyers and "JusticeHub" used by beneficiaries. Those interfaces consist of slightly different functions depending on the purpose of the use and required information.

1. Case management
 - Function to input criminal and civil cases
 - Function to connect clients and lawyers
 - Function to refer to related organizations
2. Sharing related documents
 - Function to share manuals, checklists, relevant legal information.
2. E-learning
 - Function to receive training courses for lawyers
3. Community space
 - Function to allow lawyers to exchange information and interact with each other

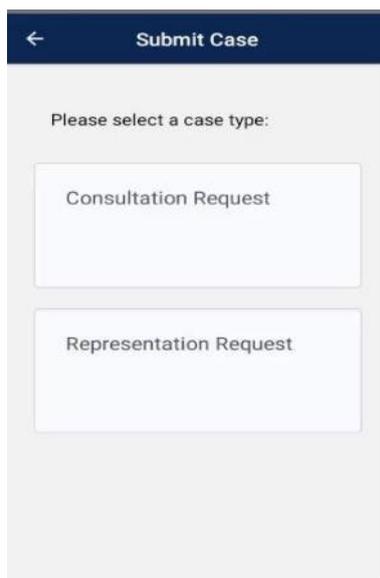


Figure 10.1 Top screen

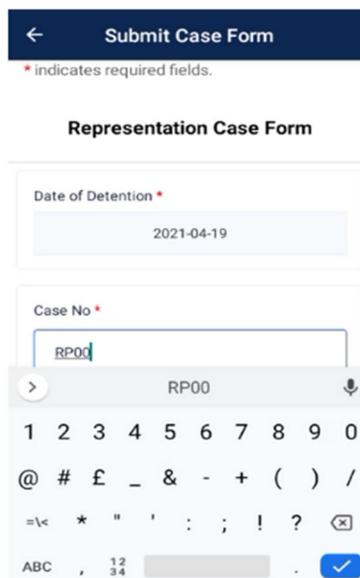
When registering a case, enter and select the information in Table 10.2. The registration/update screen for this case information is as shown in Figure 10.2.

Table 10-2 Input information for the case registration

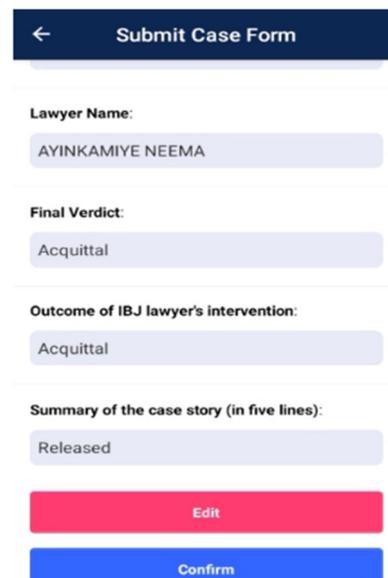
Case information	Beneficiaries information	Court process information
<ul style="list-style-type: none"> ● Name of the accused ● Picture of accused ● User's name and relationship to accused ● Contact information ● Crime charged ● Date of incident ● Location of detainment ● Duration of detainment ● Mistreatment of accused (if any) 	<ul style="list-style-type: none"> ● Age ● Gender ● Disability (if Applicable) ● Illness (if any) ● Occupation of accused ● # of dependents of accused ● Income of accused ● Household income ● Location/address of accused 	<ul style="list-style-type: none"> ● Next court date ● Sentencing date ● Motions filed/decided



Beneficiary chooses consultation or representation requests



Input case information



Edit and submit case information

Figure 10.2 Case registration screen

Based on the above information, the lawyer can voluntarily request to take the case, and also the admin RBJ can offer the case to the lawyers. When the admin assigns the cases to the lawyers, location, expertise, task volume, and gender are taken into account. The assignment screen is shown in Figure 10.3. Lawyers can also use features such as voice, video, text, and photos to store the information they need.

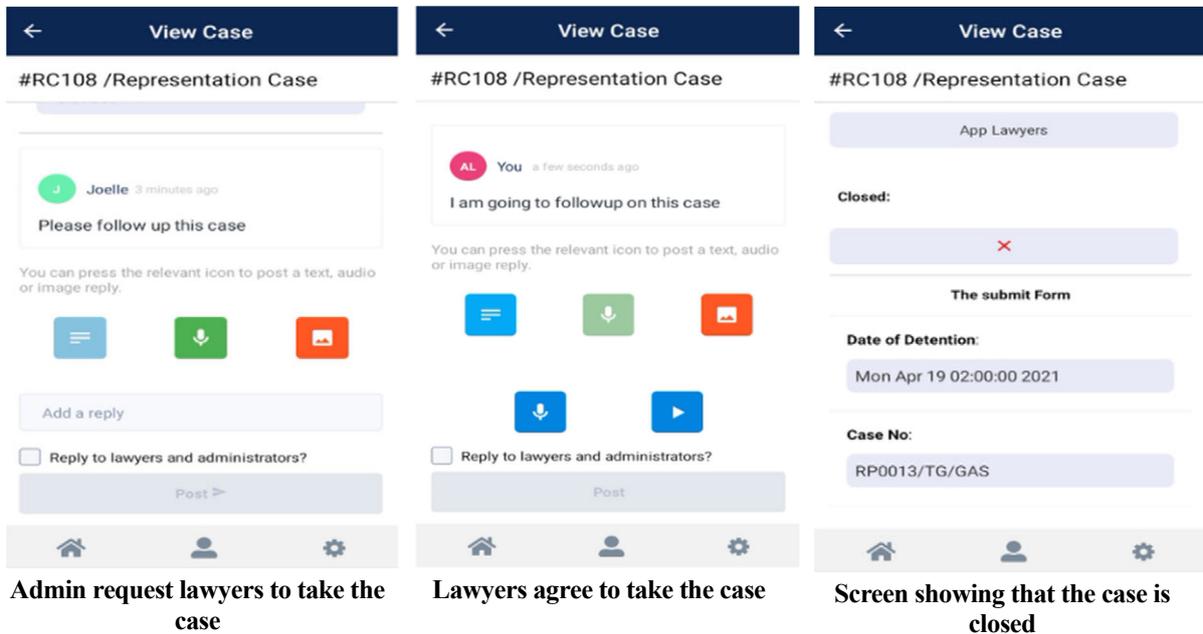


Figure 10.3 Case Assign Screen

Other related document sharing, e-learning, and community space are under development, but the screens that are currently functioning are shown in Figure 10.4.

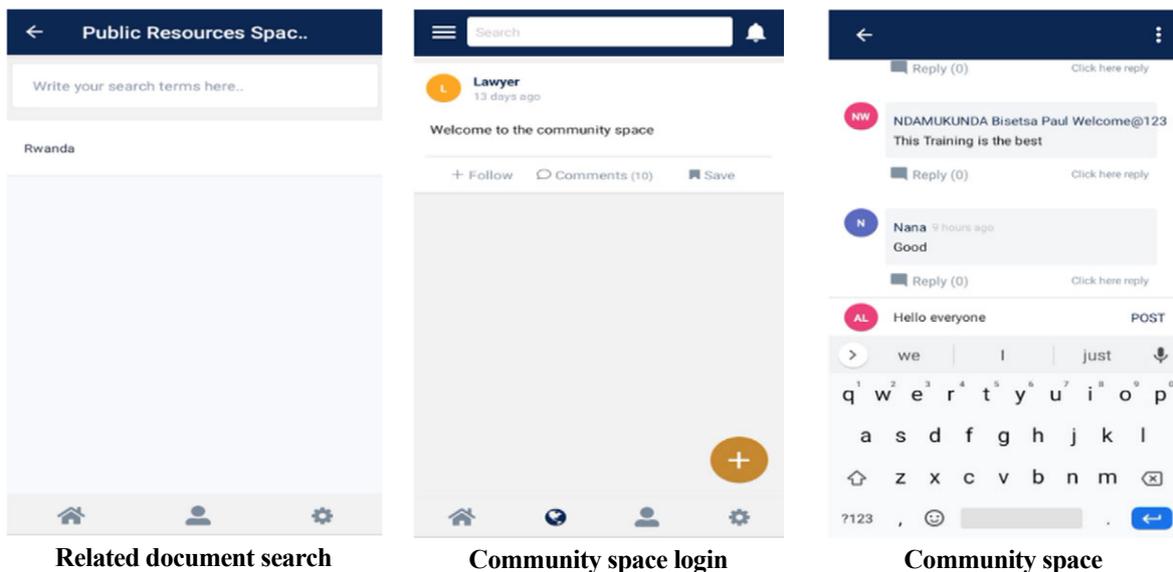


Figure 10.4 Document search and community space screen

(3) App localization

The existing App is designed for the Syrian context and is primarily used by Arabic users. This pilot project allowed to change the code so that the App could be replicated internationally. The following four major changes were made to make it easier to deploy to other countries. In addition, with external funding, the App is made compatible with IOS (Apple) in addition to Android.

- Re-writing the code base and framework to be able to support a new geographic location
- Adapting language localization to support Kinyarwanda and English
- Creating data security silos so that there is no cross-over for sensitive data between App instances
- Adapting case forms to include civil cases

10.2.2 Training of application use

To date, RBJ has trained 50 lawyers, and 11 Youth Community Volunteers and Irembo agents, for a total of 61 people. Youth Community volunteers and Irembo agents are responsible for assisting in case registration for people who do not have access to the Internet. Throughout the training process, IBJ/RBJ received user feedback to ensure the necessary changes were made to the App.

(1) Initial Training for legal stakeholders

On March 30, 2021, the first group of 8 lawyers was trained in RBJ's office in Kigali: 4 women and 4 men. The second training consisted of 5 Rwanda Correctional Services (RCS) legal officers and 3 Task Force lawyers, a total of 8 people (3 women and 5 men). The RCS officers are important because they enter case files for the detainees who require a legal representative. In those training, the following practical feedback and recommendations are provided:

- Improve ease of inputting beneficiary's date of birth;
- Allow more space for case file numbers;
- Allow editing/deleting of case information during as well as after submission of the case to the App; and
- Improve accessibility to the e-learning modules

(2) Training for community volunteers and lawyers

From April 20 - 22, 2021, RBJ implemented training and discussion sessions for community volunteers and justice sector stakeholders on the use of the App. Each training was 5 hours and Approximately 15 participants were trained per day in conformance with Covid-19 restrictions. A total of 45 participants were trained:

- 33 Lawyers: 23 women lawyers and 11 men lawyers;
- 4 Irembo agents: 1 woman and 3 men; and
- 7 Youth Community Volunteers: 4 women and 3 men

The training was tailored to each participant according to how they would use the App. The Task Force lawyers were trained from the "JusticeHub Admin" because they will provide legal assistance. The other participants, Youth Community Volunteers, and Irembo agents were trained from the "JusticeHub" because they will be teaching and assisting beneficiaries to download and use the App.

Participants provided feedback to help improve the App, including adding the following items to the data entry fields:

- Date of incident;
- Occupation of accused;
- # of dependents of accused;
- Income of accused; and
- Household income

The following comments are also raised during the training which was taken into account for the finalization of the App:

- Accessibility on IOS mobile phones “iPhone”;
- Add the fields for the type of courts: Intermediate courts, Appeals Court, Supreme Court;
- Add the function for provisional detention or detained;
- Add an “Other” field to the list of selections;
- Create a video that explains how to use the App; and
- Add a Toll-free number

The general feedback received from the trainees was that the App is functional and user-friendly.



The App Training

10.2.3 Awareness-raising of the Application

(1) Official launch event of the app

A roundtable with legal experts was held on May 28, 2021, as the official app launch event. Participants included the Ministry of Justice, National Prosecuting Authority (NPPA), Research Bureau (RIB), Bar Association, Judiciary, Correctional Services (RCS), Legal Development Institute, University of Rwanda Faculty of Law, National Disability Coalition, and CSOs (Initiatives for Peace and Human Rights, Prison Fellowship Rwanda, and Dignity in Detention).

The main comments raised at the roundtable were as follows

- It would be nice if the toll-free number and SMS (USSD) functions could be linked to the App.
- Need to train more stakeholders on using the App

Based on the comments from the participants, the RBJ identified the following improvements that will be needed.

- Integrate law journals with the app for research and e-learning
- Provide training on using the App to RIB, RCS, and NPPA
- Establish a channel for RIB and NPPA and other government officials to access the App.
- Linking SMS (USSD) functions with apps
- Consider a system to connect detainees with their families, courts, and prisons online.



The official app launch event

(2) App awareness-raising events

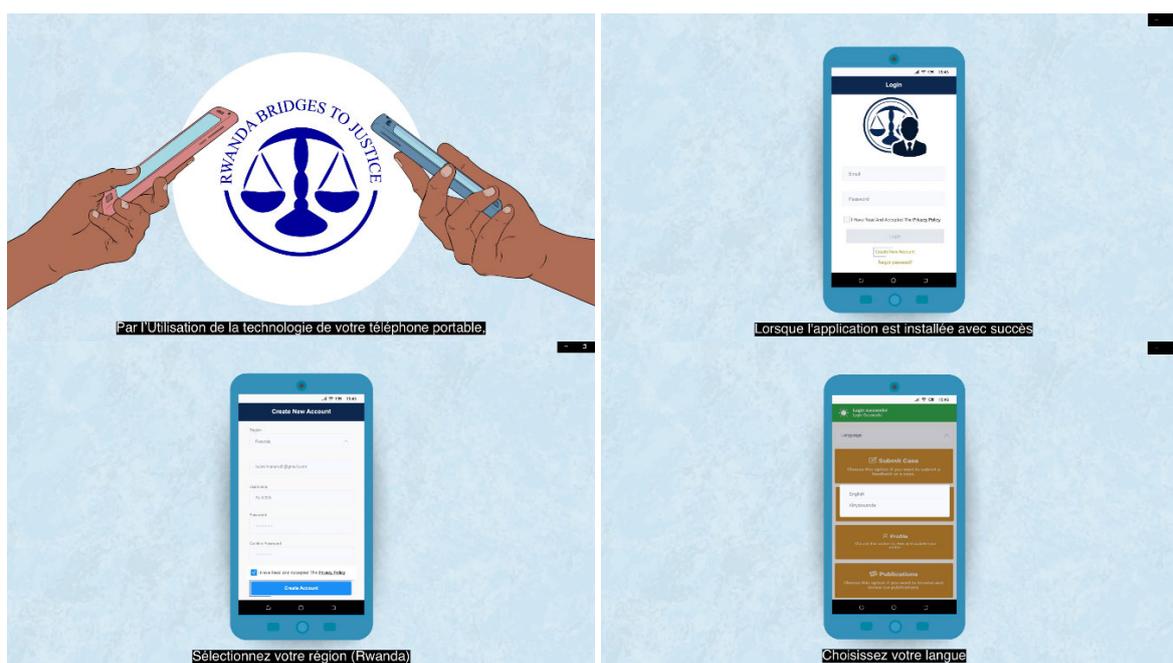
On May 27, 2021, RBJ conducted an SMS campaign to disseminate information about the app to as many people as possible. On June 16, 2021, RBJ conducted an event on criminal justice for community and secondary schools. In addition, an awareness campaign was conducted through TV and radio in October 2021. As a tool for awareness-raising, RBJ used an animated video to explain how to use the app. The trained community volunteers and Irembo agents also conducted awareness-raising activities and live demonstrations for the target communities.

RBJ has established collaborative relationships with 15 police stations, one prison, and three detention facilities in Kigali to ensure that detainees have continuous access to the App by leveraging its network of police stations and detention facilities²⁴⁷.



Awareness Raising Event

²⁴⁷ 15 police stations (Nyamirambo, Nyarugenge, Kimisagara, Gatsata, Kimironko, Remera, Kicukiro, Kimihurura, Kacyiru, Kininya, Kabuga, Gisozi, Muhima, Gahanga and Kibagaga), one prison (Mageragere), and three detention facilities (Nyarugenge, Kicukiro, Gasabo).



Animated video to explain how to use the app

10.2.4 Access to justice service provision using Application

(1) Beneficiary information

RBJ signed contracts with 14 out of the 50 lawyers trained on the app to work with them on a full-time basis; between May and October 2021, a total of 200 defendants and detainees were provided with legal aid services through the App.

Of these 200, 176 were males (of which 22 were boys under 18 years old²⁴⁸) and 24 were females (of which 5 were girls). In terms of the nature of the incidents, most of the male cases were rape cases, while most of the female cases were theft cases.

In each case, the lawyer visited the police station or prison at least once and had the opportunity to confer with the defendant or detainee face-to-face. Although face-to-face consultations are still necessary even when using the App, feedback indicated that one of the major advantages of using the App is that registered information can be used to identify those who are eligible for legal aid and that prior information is useful to proceed the case effectively.

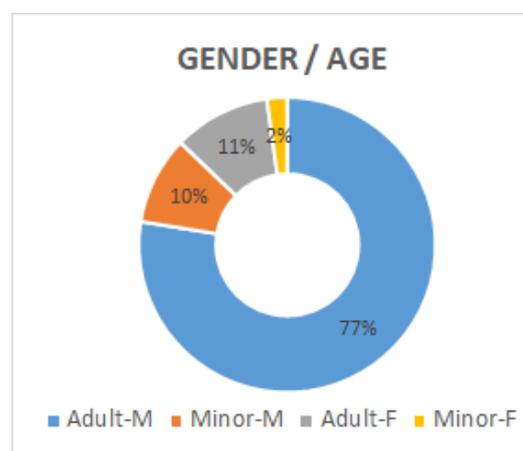


Figure 10.5 Legal aid service beneficiaries

(2) Results of legal aid service provision

More than half of the cases (110 cases) resulted in a positive outcome when handled by the assigned lawyers by the App but the App attracted a large number of cases involving serious offenses. As shown in the figure below,

²⁴⁸ Law Relating the Rights and Protection of the Child 2012

74 cases resulted in provisional release, 62 cases resulted in acquittals, 9 suspended cases, and 1 reduced sentence. In some of the cases, minors were illegally detained. Approximately 73 of those assisted received convictions, and 17 are still pending.

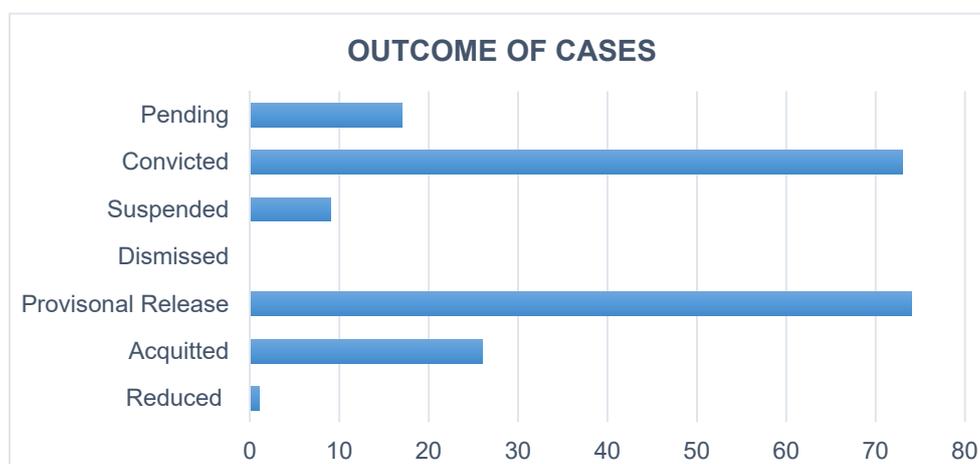


Figure 10.6 Results of legal aid service provision

(3) App management

Since RBJ is an NGO specializing in criminal cases, civil cases were referred to the Rwanda Bar Association and other NGOs (iPeace) through the app administrator. The role of the app administrator is to review the case registration form and assign the case to the appropriate lawyer. The app administrator also monitors the lawyer's activities for each case and follows up with the lawyer and if necessary the case will be reassigned to a different lawyer, for example, if there is no progress after a week. In this pilot project, one RBJ staff became the administrator and only reassigned two cases.

(4) Privacy protection

The information registered in the application and the privacy of the client is protected by the following features.

- All accounts are protected by user names and passwords.
- This App is comprised of two apps that can be downloaded separately from the App store
 - ✓ For lawyers: Lawyers can only see cases assigned to them by administrators
 - ✓ For beneficiaries: Beneficiaries can only enter information to create a case and access awareness-raising information.
- The App has a website platform where only administrators can assign cases to lawyers.
- The App is hosted on a server in the EU that is compliant with GDPR requirements

10.2.5 Organizing ICT workshops

On September 16, an ICT workshop was held in Rwanda to explain the JusticeHub application developed in this pilot project and to introduce the activities of the pilot project in Rwanda. Rwandan judicial officials participated at the venue, and judicial institutions and donors in four Eastern and Southern African countries (Kenya, Tanzania, Zambia, and Malawi) also participated online.

(1) Objective

This ICT workshop was organized as a practical session for practitioners with the following objectives

- Introduction to the App
- Exchange views with App users and other stakeholders on the use of the App
- Discussion with participants on directions for further improvement

(2) Program

This ICT workshop explained the matching of lawyers/criminal suspects and defendants using the application developed by IBJ/RBJ, and also introduced its use as an aid to case management, statistics, and feedback. The workshop includes the session to discuss what kind of improvements are necessary for the future expansion of the App nationwide and to other countries. The program for the day is shown in the table below.

Table 10-3 Program of the ICT Workshop

Time	Contents	Presenter
Session I	Opening Session	JICA
09:00-09:30	Opening Remarks	
Session II	JusticeHub App Development	
09:30-09:45	Introduction and Overall Development	IBJ/RBJ
09:45-10:00	Application Summary and Usage	RBJ
Session III	JusticeHub App Usage, Cases, and Evaluation	
10:00-10:15	Application usage experiences	RBJ
10:15-10:30	Users' Evaluation, e.g. advocates/lawyers, citizens by users	
	Statistical Views from App Administrators	RBJ
	Future Application Expansion possibilities, plans, dissemination	RBJ
Session IV	JusticeHub App Way Forward	participants
11:00-11:20	Free Discussion	
11:20-11:25	Closing Remarks	JICA
11:25-11:30	Closing Remarks and Announcement	Govt. of Rwanda
11:30-11:45	Break	
Session V	Short Training of JusticeHub Application	
11:45-12:00	Introduction to JusticeHub App	RBJ
12:00-12:15	Main and Key pages and functions from users' viewpoints	RBJ
12:15-12:30	Key points on usage statistics from Administrators viewpoints	RBJ
12:30-12:45	Questions and Answers on usage by participants and	RBJ
12:45-13:00	Way Forward	JST

(3) Participant

From Rwanda, the host country of the workshop, there were about 10 participants from the Department of Corrections (RCS), the University of Rwanda, and the Bar Association. Around 40 stakeholders including four other countries participated online. Participants came and went during the implementation of the workshop, but a total of about 50 participants were confirmed.

(4) Feedback

In the Q&A session, discussions were held on the possibility of deployment in various countries, cooperation with universities and mediation institutions, connection with simple cell phones (the use of USSD), and regional deployment and paralegal use. The main questions and answers are as follows.

- Kenya: We are currently providing a consultation service through toll-free numbers and SMS. If this App can allow citizens who do not have a smartphone to access the service via SMS (USSD), I think it is a very effective App. We would like to consider the possibility of collaboration.
- Rwanda: It might be interesting to give lectures at universities on access to justice using the App. Also, it may be possible to use the App in legal clinics at universities. We would like to explore collaboration in the future.
- Zambia: ICT for access to justice is currently under consideration and is of great interest. In response to the comment that the level of knowledge and awareness of human rights and entitlements is low in Zambia, the IBJ/RBJ responded that they believe that ensuring access to justice at an early stage leads to human rights protection and that awareness-raising activities are also important for this purpose.



Photos from the ICT workshops

10.3 Issues for future development

In this pilot project, the App was widely accepted by the judiciary institutions in Rwanda, confirming the high expectations of the project. It was also demonstrated that the App can be used to efficiently link lawyers with detainees and suspects, who are vulnerable groups. With the recent increase in the number of smartphone users and the accelerated adoption of new technologies, this pilot project can be evaluated as a timely initiative. On the other hand, for those who do not own a smartphone, further improvements are needed to support access to the service through friends and community members who have smartphones, as well as access from ordinary cell phones.

For future development, the following improvements were made during the pilot project to prepare for the expansion of users and to meet the localization needs of providers.

- IOS (Apple) version of the application (released in October 2021)
- A new "region" function has been developed with a new: 1) form designer, 2) language localizer, and 3) region instance creator, making it easier to expand and localize to other countries.

In addition, based on the feedback from users and stakeholders during this pilot project, the following improvements will be effective to further expand the service and develop other areas in the future.

- Link the SMS (USSD) function with the App
- Training for local stakeholders needs to be conducted and fine-tuned to reflect local conditions.
- Civil cases can be handled by expanding the civil section of the existing App.

- As a referral function to other agencies, create a case form export function to facilitate the transfer of information, keeping in mind confidentiality and privacy issues.
- Consider adding a video conferencing function to the App platform so that detainees, their families, courts, and prisons can be connected online.

Chapter 11. Regional Workshop

11.1 Objective

The regional workshops were held in late November and early December in two sessions, one in French-speaking Western Africa and the other in English-speaking Eastern and Southern Africa. The objectives of the regional workshops were as follows.

- To report the results of the survey to the target country's Ministry of Justice, donors, NGOs, and other relevant parties to obtain feedback and use it as a reference for future cooperation.
- To discuss issues related to access to justice among the target countries and to share good practices to solve the issues, which can be used as a reference for improving access to justice.
- To build networks among participants and promote inter-regional cooperation to improve access to justice.

11.2 Western workshop

11.2.1 Agenda

The regional workshop in the West was held over two days from November 24 to 25 with the target countries of Cote d'Ivoire, Niger, Senegal, and the local NGO officials (RBJ) who were the re-contractors of Rwanda's application development (JusticeHub). Since Internet connection is unstable in West Africa than in Eastern and Southern Africa, the participants joined the workshop at hotels in the capital cities, where the Internet connection is well maintained. The JET participated from the venue in Cote d'Ivoire.

The agenda for the regional workshop is as shown in the table below: On the first day, the JET made presentations the results of the survey, followed by a presentation by a representative of the Ministry of Justice on access to justice initiatives in each country. In the afternoon, each country discussed future efforts to improve access to justice based on the presentations made in the morning, and the results of the discussions were presented the following day.

The second day began with a presentation on Japan's access to justice initiatives by Mr. Komatsu, JICA Senior advisor, who gave an overview of Houterasu (Japan Legal Assistance Centre) and introduced the call center and JICA's mediation training materials, followed by a presentation on Kenya's customary law formalization project by Associate Professor Ishida of Tokyo Metropolitan University. After that, each country made a presentation on what they had discussed in the afternoon of the first day.

Table 11-1 Western Regional Workshop Agenda

1st day

Time (GMT)	Program	Speakers
Session I	Opening	
0900-0915	Opening remarks Speech Presentation of the seminar and programme for the 1 st day Group photo	JICA Côte d'Ivoire MJDH Côte d'Ivoire JSTParticipants
Session II	JICA Study Report - Key findings and challenges	
0915-1000	Presentation of the study results 0915-0920 Overview of the study	JST

Time (GMT)	Program	Speakers
	0920-0930 Cote d'Ivoire, Niger et Sénégal 0930-0940 Kenya, Tanzanie et Rwanda 0940-0950 Zambie et Malawi 0950-1000 Q&A	
1000-1015	Coffee break	
Session III	Key issues on access to justice - Country presentations	
1015-1200	Presentation on - overview and challenges of legal aid (10min) - Experience of access to justice (10 min) - digitalisation of the justice sector (5 min) 1015-1040 Côte d'Ivoire 1040-1105 Niger 1105-1130 Senegal 1130-1200 Q&A	Participants
Session IV	Presentation by Rwanda	
1200-1300	1200-1210 Presentation on IBJ 1210-1225 Presentation on the digitalisation of the judicial system in Rwanda 1225-1240 Presentation on the RBJ application (JusticeHub) 1240-1300 Q&A	IBJ RBJ Rwanda RBJ
Session V	Lunch and Groups Working	
1300-1500	Lunch < activities to be carried out in each country Exchange between participants on the lessons learned from the workshop for the 2 nd day	Participants

2nd day

Time (GMT)	Program	Speakers
0900-0915	Wrap up for the 1 st day and Program for the 2 nd day	JST
Session VI	Experience in Japan	
0915-1015	0915-0950 Formalisation of customary law - contributions from academia 0950-1030 Discussions, Q&A	Dr. Ishida, Tokyo Metropolitan University
1015-1030	Coffee break	
Session VII	Key issues in access to justice - Report of working group discussions	
1030-1130	Presentation on lessons learned from the workshop and challenges ahead 1030-1040 Côte d'Ivoire 1040-1050 Niger 1050-1100 Senegal 1100-1115 Discussions 1115-1130 Feedback from the Japanese side	Participants JST
Session VII	Closing	
1130-1200	Closing remarks	JICA Côte d'Ivoire MJDH Côte d'Ivoire MJ Senegal MJ Niger
1200-	Lunch	Participants

MJDH: Ministère de la Justice et des Droits de l'Homme (Ministry of Justice and Human Rights)

MJ: Ministère de la Justice (Ministry of Justice)

IBJ: International Bridges to Justice

RBJ: Rwanda Bridges to Justice

11.2.2 Participant

The total number of participants was 57, including 42 at the venue and 15 online. Apart from Ministry of Justice officials, local NGOs, UNDP, GIZ, AFD donor officials, and bar associations participated. The details of the participants are shown in the table below.

Table 11-2 Participants in the Western Workshop

Unit: persons

Country name	Officials	NGOs	donor	Other	Total
Côte d'Ivoire	5	4	4 UNDP: 1 GIZ:1 AFD:2	15 Bar Association: 1 JICA Cote d'Ivoire:3 JST: 9 RBJ: 2	P: 26 O: 2
Niger	4	2	1 UNDP:1	6 Bar Association: 2 JICA Niger:2 JST:2	P:11 O: 2
Senegal	6	1	3 AFD/Expertise France:3	2 JST:2	P:5 O:7
Japan Other	-	-	-	4 JICA HQ:1 Tokyo Metropolitan University:1 IBJ:2	P:0 O:4

Note: P-Physical participants, O-Online participants



Participants at the workshop in Cote d'Ivoire



Workshop venue

11.2.3 Summary of questions and answers

The main comments and questions are listed below. In particular, since West Africa lags behind Eastern and Southern Africa in terms of digitization in the judicial sector, there was a great deal of interest from participating countries in ICT initiatives in Anglophone Africa, in particular in Rwanda.

(1) Report of survey results

- West Africa lags far behind Eastern and Southern Africa in the digitization of justice. There is much to be learned from the community-based access to justice initiatives in Eastern and Southern Africa.
- Since each country has different ethnic groups and cultures, it is important to consider the circumstances of each country, rather than simply copying the efforts of other countries.

- In order to sustain the activities after the donor's projects are completed, the Ministry of Justice should budget the necessary costs to ensure sustainability.
- Consideration should also be given to strengthening collaboration between NGOs and the Ministry of Justice to improve access to justice, sharing national experiences to link formal and informal justice, and establishing a common regional system such as OHADA (Organization for Harmonization of Commercial Law in Africa).

(2) Access to Justice initiatives in each country

- Who pays for the operation cost of the Maison de Justice (Justice House) in Senegal? Who manages the legal aid fund in Senegal and what are the legal fees?
 - The Maison de Justice (House of Justice) is funded by the Ministry of Justice. The Legal Aid Fund is managed by the Bar Association (There was no response on the legal fee, but it is 500,000 CFA per case.).
- Share the legal framework for the establishment of the ANAJJ in Niger (Department for Access to Justice, Ministry of Justice, Côte d'Ivoire and Senegal).

(3) ICT Initiatives in the Rwandan justice sector

- We learned a lot from Rwanda's efforts to implement ICT in the judiciary. Legislation regarding the introduction of digitization of the judiciary is in place but has not been implemented. Digitization has many advantages and ICT should be promoted (a common comment from Cote d'Ivoire, Senegal, and Niger).
- Can the Rwanda JusticeHub App be used in other countries, and will the personal information collected by the App be protected?
 - For now, the App is being used in Syria and Rwanda, and individual information collected by the App is only available to RBJ and registered lawyers.

(4) Japanese experience

- JICA's audio-visual materials on mediation techniques are very interesting and I would like to learn more about them if they are accessible. It would also be great if JICA's training could include NGO staff.
- I was surprised to see the huge scale of Houterasu's call center and financial resources. How do they secure such a large budget?
 - Houterasu did not start at this scale when it was first established; after the traffic accident disputes of the 1970s and the consumer disputes of the 1990s, it expanded its scale as the need for legal aid demands, especially after the Great East Japan Earthquake. Also, the bar associations have contributed to the creation of the call center's Q&A.
- Does the Houterasu call center also provide protection for GBV victims when they call?
 - The call center also provides victim protection by referring to victim support organizations.
- Dr. Ishida's presentation showed that customary laws differ according to ethnic groups, but when different ethnic groups are in conflict with each other, which customary law is used?
 - Informal justice differs from formal justice in that it allows for flexibility in exploring solutions through discussion.

11.3 Eastern and Southern workshop

11.3.1 Agenda

The Eastern and Southern regional workshops were conducted in a hybrid of face-to-face and online manners over two days from December 1 to 2 with the participation of five target countries.

The Kenyan participants participated at Indigo, a coworking office space in the capital city of Nairobi with good internet access, while participants from rural Kenya and four other countries were connected via Zoom. The JICA survey team participated both at the Kenyan site and online.

The agenda for the regional workshops is as shown in the table below: On the first day, the JICA survey team presented the results of their research, and then the relevant organizations in each country made presentations on their access to justice initiatives under three themes: 1) Formal Justice, Alternative Justice System (AJS) and mediation, 2) ICT Development for Access to Justice, and 3) regional cooperation. In the afternoon, the participants were divided into groups in each country and, referring to the presentations made in the morning, discussed the necessary measures to improve access to justice in the future.

On the second day, each country made a presentation on what they had discussed in the afternoon of the first day. After a question and answer session, Mr. Komatsu, JICA HQ, gave a presentation on Japan's access to justice initiatives, including an overview of Houterasu, call centers, and JICA's mediation training materials. Dr. Ishida, Associate Professor of Tokyo Metropolitan University, gave a presentation on a project to codify customary law in Kenya. Finally, CALL4, a Japanese NGO, gave a presentation on maintaining the sustainability of access to justice and raising awareness to the public using ICT.

Table 11-3 Eastern and Southern Regional Workshop Agenda

Day 1: December 1, 2021 (Wed)

Time (EAT)	Content	Stakeholders
08:30-09:00	Registration @ meeting room 1 st floor Housekeeping for Day1 (posted)	Indigo (Kenya)
Session I.	Opening	
09:00-09:10	Opening remarks Opening speech Presentation of Day 1 Program	JICA HQ Kenya MOJ NLAS Survey Team
Session II.	JICA Survey Report - Key Findings and Issues	
09:10-09:45	09:10-09:15 Overall Summary 09:15-09:25 Kenya, Tanzania and Rwanda 09:25-09:35 Zambia and Malawi 09:35-09:45 Cote d'Ivoire, Niger and Senegal	Survey Team
09:45-10:00	Coffee Break @Annex	
Session III	Access to Justice Key Issues - Panel Discussion	
10:00-11:00	Topic 1: Formal Justice, Alternative Justice, Mediation 5 countries + UNDP x 10 min each <ul style="list-style-type: none"> ● Justice in the community (Chiefs) and Training - Kenya / Egerton University, FOLLAP ● Role of paralegals - Tanzania / Legal Service Facility ● Court mediation curriculum - Rwanda / Rwanda University ● Paralegal in formal justice and village mediators in informal justice- Malawi / PASI ● Stakeholder coordination and problem solving mechanism - Zambia / MOJ ● UNDP Kenya 	

Time (EAT)	Content	Stakeholders
11:00-11:10	Questions and Answers for Topic 1	
11:10-12:00	Topic 2: ICT Development for Access to Justice 5 countries x 10 min each <ul style="list-style-type: none"> • Use of ICT in Judiciary and in legal education - Tanzania / Judiciary, Law school of Tanzania • Integration of ICT and traditional methods - Kenya / Transparency International • Using application for tackling the issues in criminal justice - Rwanda / Rwanda Bridges to Justice • Case filing and toll free system - Malawi / Legal aid bureau • Integrated call center operation for children and GBV - Zambia / Lifeline Childline Zambia 	
12:00-12:10	Questions and Answers for Topic 2	
12:10-12:20	Topic 3: Regional integration <ul style="list-style-type: none"> • East African Legal Aid Regional Network Conference 	
12:20-12:30	Questions and Answers for Topic 3	
12:30-1:30 p.m.	Lunch Break Showing video of IBJ/RBJ JusticeHub	IBJ/RBJ
Session IV	Access to Justice Key Issues - Breakout Group	
1:30-3:00 p.m.	Access to Justice Key Issues - Breakout Group Discussion <ul style="list-style-type: none"> • Breakout Group - Country by Country • Key Issues identifications and Recommendations for Day 2 Presentation 	
	Closing announcement for Day1 and housekeeping for Day2	

Day 2: December 2, 2021 (Thu)

Time (EAT)	Content	Stakeholders
08:30-09:00	Registration @ meeting room 1 st floor Housekeeping for Day2 (posted)	Indigo (Kenya)
Session V.	Access to Justice Key Issues - Breakout Group Reporting back and Discussion	
09:00-10:45	09:00-09:15 Day 1 Review / Overview Day 2 09:15-09:30 Kenya 09:30-09:45 Tanzania 09:45-10:00 Rwanda 10:00-10:15 Zambia 10:15-10:30 Malawi 10:30-10:45 Discussion	
10:45-11:00	Coffee Break	
Session VI.	Experience in Japan	
11:00-12:30	11:00-11:20 Role of Call Center Model - JICA 11:20-11:40 Formalization of customary law / input from academia - Dr. Ishida 11:40-12:00 ICT use for sustainability and sensitization - CALL4 12:00-12:30 Discussion	
Session VII.	Synthesis, Recommendations and Closing	
12:30-12:50	Synthesis and recommendation	Survey Team
12:50-13:00	Closing Remarks	Legal Advisor, JICA HQ
13:00	End of Workshop Followed by Lunch in each location	

11.3.2 Participants

The total number of participants was 157, including 27 at the venue and 130 online. In addition to Ministry of Justice officials, local NGOs, UNDP, EU and other donor officials, and bar associations participated. The details of the participants are shown in the table below.

Table 11-4 Participants in -the East-South Workshop

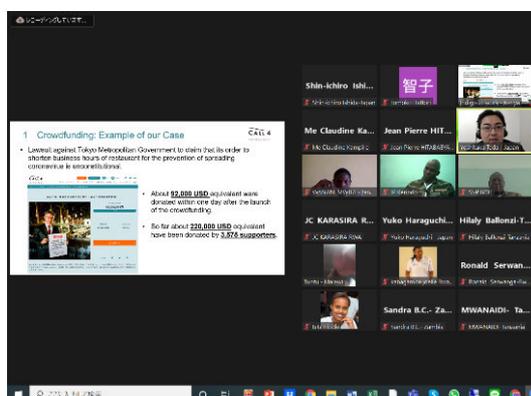
Unit: persons

Country name	Officials	NGOs	Donor	Other	Total
Kenya	5 Department of Justice:1 Court: 2 Prison:2	12	5 UNDP: 3 EU:2	13 Bar Association: 2 Mediation training institutions: 3 University: 2 Lawyer's office: 2 JST: 4	P: 25 O: 10
Tanzania	2 Court:1 University:1	4	1 UNDP:1	8 Bar Association: 4 JICA Tanzania:2 JST:2	P: 0 O: 15
Rwanda	6 RCS (Rwanda Correctional Service): 6	6	0	40 Bar Association: 15 Women's Bar Association: 10 Legal Aid Society:4 Law firm: 8 University:1 JST:3	P:0 O:53
Zambia	3 Department of Justice:1 Legal Aid Bureau:1 Prison:1	8	4 UNDP:3 Danish:1	2 JST:2	P:0 O:17
Malawi	11 Department of Justice:2 Legal Aid Bureau:1 Anti-Corruption Bureau: 5 Ombudsman: 1 Police: 2	6	3 UNDP:1 EU:2	4 Educational institutions:1 JICA Malawi:1 JST:2	P:0 O:24
Japan Other	-	-	-	13 JICA HQ:2 JICA Business Law:1 Tokyo Metropolitan University:2 CALL4:5 JST:3	P:2 O:11

Note: P-Physical participants, O-Online participants



Participants at the workshop venue



Workshop online participants

11.3.3 Outline of group discussion presentation

The following list of key issues to be focused on in each country was discussed. Key comments on the presentations after the discussion are also listed below.

- Kenya
 - Key issues: ICT utilization, lack of legal knowledge of the general public, sustainability of paralegals (lack of funds), lack of trust in the judiciary, lack of capacity building for informal justice, corruption
 - ICT utilization: A comment was made that it would be good if Kenya could create a one-stop portal model with centralized information. A prison officer also commented that it would be good to involve a wide range of stakeholders in prisons, including prosecutors, children officers, local administrators, and elders.
- Tanzania
 - Key issues: use of ICT, use of Integrated Justice Centre in courts, paralegal education, representation of lawyers in primary courts in rural areas, sustainability of paralegals (lack of funds), lack of collaboration among legal aid agencies, lack of capacity building for informal justice
 - Functioning of attorney representation in primary courts: Guidelines states that primary courts have three months to rule on cases. The magistrate can provide lawyers to the unrepresented parties. Criminal cases are encouraged to be settled through mediation or reconciliation in the primary courts.
- Rwanda
 - Key issues: use of ICT, use of Abunzi/village mediation, need for public awareness and legal education, the possibility of toll-free and online awareness-raising for community awareness, stakeholder collaboration, sustainability
 - Informal Justice (Abunzi): Because formal justice is time-consuming, community-based dispute resolution is encouraged to eliminate backlogs. Abunzi has led to mediation and settlement resolution of civil cases and some criminal cases in the community. Continued and harmonious peace in society is the ultimate goal. Setting a timeframe for resolution is desirable. Edward Academy Mediation (California) is currently responsible for the training.
- Zambia
 - Key issues: use of ICT, lack of trust in formal justice, lack of resources, traditional courts and capacity building, integration of formal and informal justice, need for legal education and legal awareness, paralegal education, sustainability, learning from Rwanda and Tanzania cases
 - Formal justice challenges: In Zambia, the aspect of "distance to the courts" is significant. In rural areas, it is 100 km to reach a police sub-office, 120 km to a magistrate court, and 400 km to a high court. Unlike this, traditional courts are used because they are closer, faster, and cheaper.
 - Challenges of traditional courts: 1) male dominance, 2) chiefs' lack of knowledge and understanding of the areas of human rights, 3) confusion between common law in formal and customary law in informal justice, and 4) vagueness of the jurisdiction and which body to refer cases to.
 - Lawyer shortage: Lawyers are in short supply in Zambia, which is one of the problem for access to justice. On the other hand, there is also the problem of the high cost of resolution through representation.

There are many cases in rural areas that are not reported because of these problems. Small crimes, land disputes, family disputes, GBV, etc. are typical cases that are handled by informal justice.

- Malawi
 - Key issues: use of ICT, infrastructure issues, institutional challenges of formal justice, possible dissolution of traditional courts, need for legal education and legal awareness, sustainability
 - Legal Aid Bureau: There is a service where the judiciary, police, and prisons work together. There is a comment that the idea of putting a legal aid agency in the court is a good idea.

11.3.4 Summary of questions and answers

The main comments and questions are listed below, according to the three themes of Day 1: 1) In the area of AJS bearers and capacity building, there was great interest in the institutionalization and training of paralegals, chiefs, and mediators. There was also great interest in issue-specific solution packages such as GBV. 2) In the area of ICT utilization, in addition to the JusticeHub application in Rwanda, there was interest in using the application in conjunction with traditional communication methods and linking applications with other fields. As for regional cooperation, East Africa Legal Aid Network, East and Horn of Africa conference of Paralegal (East), and African Center of Excellence for A2J (Southeast) were introduced.

(1) Theme 1: Formal justice, alternative justice, and mediation

- (Zambia to Malawi) What kind of criminal cases do you have for the village chiefs that require dispute resolution and how are they handled?
 - Criminal cases may also be brought to the informal justice of the chief or village mediator. Most cases are minor, such as theft, which is resolved in the village without the resources of formal justice. Some cases are settled through reconciliation. These are acceptable under the Criminal Procedure and Evidence Code.
- (Zambia to Malawi) What attempts is PASI making to avoid corruption of village mediators?
 - The village mediator is the community based and the chief is not part of the dispute resolution process. There is a code of conduct for village mediators that prohibits bribery.
- (Tanzania to UNDP) What are some of the mechanisms to support CSOs?
 - In addition to financial support, there will be the provision of knowledge and skills.
- (Zambia to Tanzania) Has a sustainable plan been developed for the economic and financial limitations of paralegals?
 - There is no long-term plan. In Tanzania, the LSF, a paralegal basket fund, is dependent on donor funding. Recently, a government initiative for paralegal education for civil servants called Government Paralegal has been launched at the initiative of the government.
- (Kenya to Tanzania/Zambia) What are the incentives/compensation for paralegals?
 - (Tanzania) The Legal Aid Regulations of 2017 state that it is only after winning a case or just claiming costs. The challenges is that you can only get paid when you win the case.

- (Zambia) The Legal Aid Board has a Legal Counsel who can supervise paralegals and those who have law degrees and are registered with the Zambian Institute for Advanced Legal Education. When a client arrives, the paralegal first attends the case and decides whether to accept the case. If the case is accepted, it becomes the job.
- (From various countries to Tanzania and Zambia) What is the level and qualification of paralegal education?
 - (Tanzania) After the enactment of the Legal Aid Act, a paralegal degree (Diploma) was introduced after two years of training. After the enactment of the Legal Aid Act, a paralegal degree (Diploma) was introduced after two years of training.
 - (Zambia) There are three levels of paralegal education in Zambia. Level 1 is a degree (Diploma), with at least three years of training, mainly in civil law (land, GBV, and labor law) and criminal law (in terms of procedure and offenses), to become a legal assistant, advisor, or state prosecutor. Level 2 is a certificate of completion, and Level 3 is a certificate of skill. Level 3's main task is to gain basic knowledge and refer to the right institutions.

(2) Theme 2: ICT Development for access to justice

- (Kenya to various countries) How do private sector support, cyber security measures, and mediation related to witchcraft lead to conflict resolution? What is the level of support from the state?
 - (Rwanda) Rwanda has signed MOUs with the police and other national organizations to collaborate on capacity building.
- (Malawi to Zambia) Zambia is using toll-free to report child cases, how does it work?
 - The school teachers (guardians), who are partner agencies, are given cell phone sets so that they can report to the NGO when children are abused or violated at home or school.

(3) Theme 3: Regional integration

- (Kenya to Tanzania) How are you dealing with cross-border crime?
 - There are cross-border arrangements and mutual assistance between countries. The treaty also extends to provide for the transfer of fugitive offenders.

(4) Japanese experiences

- (To CALL4) What role does the private sector play in the judiciary?
 - Bridging the gap between the situation of empowerment and protection of rights.
- (To Mr. Komatsu) Participants would like to be provided with the training materials in English.
- (To Dr. Ishida) How is the codification of customary law in Kenya being addressed by academia?
 - Worked with a museum in Kenya.

Chapter 12. Survey Summary

12.1 Current status and challenges of access to justice in Africa

The current status and challenges of access to justice through this survey can be summarized as follows.

(1) Strengthen informal justice

The formal justice system, especially the availability of courts and lawyers is not sufficient in rural areas, and is regarded as "distant, slow, and expensive". To compensate for the situation, **traditional mediators and paralegals** are being strengthened and institutionalized, however, challenges are to deepen and upgrade legal knowledge through capacity building and homogenize training content, and how to secure financial support and sustainability of their activities. At the same time, there is a great need to improve the **formal justice system** by strengthening functions through ICT (e.g., e-case management) and to improve the evaluation of formal justice by the public.

(2) ICT utilization

The "JusticeHub", a **smartphone application for legal aid support** in Rwanda, was introduced at the ICT workshop and the regional workshop. It was well received by the participants in each country and proved to be of great interest. The same is true for the call center implemented in Cote d'Ivoire, and some countries outside of Cote d'Ivoire are also making progress in this area. However, the issue for the Apps is the spread of the internet and smartphones, and the issue of call centers is the burden of calling charges. As seen in Kenya, **integration of different communication methods** such as internet-based data communication and traditional communication methods (voice calls and SMS functions) has started and further acceleration is expected.

(3) Regional level initiatives

While there are country-specific issues in access to justice, the issues of land, property, family and vulnerable groups are recognized as common issues in all countries. In addition, strengthening informal justice and ICT development, are recognized as common issues across the region rather than individual issues in each country. Therefore, while each country should consider and deal with issues individually, it is also necessary to address common issues by bringing together countries in the eastern, southern, and western regions, for example, with a certain degree of regional commonality in mind. As seen in the case of the Conference of East Africa Legal Aid Providers Network, some organizations conduct activities at the regional level, which can serve as a reference.

(4) Cross-disciplinary support (one-stop center)

Although this survey was conducted from the perspective of the judicial sector, it was recognized that each issue requires a more comprehensive approach, including social (family and community), health care, and education (dissemination of judicial knowledge), rather than simply a judicial sector response and solution. Specifically, some countries (Malawi, Zambia, Tanzania, and Rwanda) have begun to take a one-stop center approach, in which related ministries and agencies cooperate and collaborate. The development of a cross-sectoral and comprehensive response by related ministries and agencies often requires time in terms of coordination, but it should be considered as one approach to improving access to justice over the medium to long term.

(5) Cooperation and collaboration with international organizations

Through this survey, it was confirmed that various donor agencies are actively working in the judiciary sector. Among them, UNDP has a wealth of experience and achievements in the field of justice in the target countries. Although the EU's basic strategy will end in 2021 and a new five-year strategy will be implemented from 2022, the EU will continue to promote peace, growth, employment, climate change, and digitalization.

Particularly in the area of justice, the EU is the source of funding, and UNDP and GIZ continue to provide programmatic support as implementing agencies. The contents of support are planned for each target country, and there is no common support policy among African countries. However, looking at the contents of support in each country, it can be said that there are many cases of strengthening the functions of judicial institutions, paralegal support, and support for vulnerable groups (detainees, women, and children). In addition, in cooperation with NGOs in the target countries, GIZ conducts awareness-raising activities in local areas and provides support for legal aid including reform of justice-related laws and systems and strengthening of the organization of justice-related institutions with a medium- to long-term perspective. Also, similar to UNDP, GIZ cooperates with NGOs in the countries it supports to provide paralegal support and awareness-raising activities in rural areas.

As for JICA's area of cooperation, all donors are currently seeking support for ICT in the field of justice, so there is potential for cooperation on ICT. It is also realistic to collaborate on the provision of judicial information and counseling at the community level, the development of human resources (paralegals, chiefs, etc.) to provide legal aid, and the development of local areas using them, while sharing regional roles.

The project will be considered in collaboration and cooperation in a way that takes advantage of Japan's characteristics, achievements, and experience while making use of the contacts with donors in various countries, including UNDP.

12.2 Proposal for JICA's cooperation on improving access to justice

12.2.1 Summary by the Issue

Based on the recognition of the above-mentioned issues, a menu for JICA's cooperation on improving access to justice is organized by the following issues.

- Paralegal
- Use of ICT
- Mobile Legal Clinic
- One-Stop Center (OSC)

An overview of the needs and proposed support under each issue is organized as follows.

(1) Paralegal (training, institutionalization, monitoring)

Formal justice and informal justice/alternative justice system has a complementary relationship and many governments are focusing on the latter to strengthen and institutionalize the system. In particular, there is a great

need for the institutionalization, training, and development of **paralegals**, including paralegals at the community level, to increase the number of paralegals and improve their quality.

Based on the above, support is required for paralegal training in various fields, from curriculum and textbook development to training the trainers and community paralegals, and there are many requests for early implementation. As a support scheme, short-term dispatch of experts or training in a third country may be effective. In addition, medium-term technical cooperation may be possible in the areas of institutional design and organizational structure development is required.

The following is a summary of proposals on the formulation of JICA's cooperation under this theme.

Table 12-1 Proposed cooperation for Paralegal

Level	Content of Cooperation	CP	Beneficiary	Scheme	Outcome	Resources
Country	Strengthening of training content for paralegals and support for establishing a monitoring system	Department of Justice, Legal Aid Bureau, educational institutions	Legal aid agencies, paralegals	Technical cooperation	Strengthening the capacity of paralegals	-
	Support for local development of community paralegals	Legal Aid Bureau	Community	Technical cooperation	Improving communities' access to justice	Local NGO
Region	Building a platform for paralegals (E-Library, sharing training materials, etc.)	East African Legal Aid Network Conference, African Center of Excellence for Access to Justice (ACE-AJ)	Legal aid providers, NGOs	Technical cooperation, Dispatch of experts	Institutionalization and capacity building of paralegals	Japanese E-Library know-how
Region	Building a regional network to promote legal consultation and legal aid	Access to Justice Office, Ministry of Justice of each country	Access to justice officers, NGOs	Technical cooperation, Dispatch of experts	Strengthening the capacity of legal aid institutions, archiving of good practices	Know-how of East African Legal Aid Network

Source: JICA survey team

(2) ICT (E-case management, applications, call centers, etc.)

The development of internet communication networks, which is the key to **ICT**, is a matter of great interest, especially in West African countries. In particular, there was enthusiastic interest in the JusticeHub, the legal aid application in Rwanda. Similarly, call centers, which have already been established in Cote d'Ivoire and are being implemented in several other countries, received a high level of interest, as did Japan's legal aid centers.

In addition, there are plans to upgrade the **judicial system** itself by using ICT. Although it has been confirmed that there is a significant shortage of budget and human resources, there is a high level of interest in Rwanda's IECMS system (an integrated system of e-filing and e-case management) from various countries. Therefore, there is a high expectation for training on ICT in the field of justice, either through issue-specific training or training in third countries.

For example, with regard to the Rwanda JusticeHub application, in the short term, it is desirable to start by getting stakeholders to understand its functions, confirming its effectiveness, and building momentum and understanding for its introduction. In this case, a third-country training program in the form of South-South cooperation led by IBJ/RBJ, which is developing and operating this application, would be most effective. In the same way, the case of Cote d'Ivoire is expected to be a good reference for call centers, and the case of Japan's Houterasu is also expected to be a good reference, so training in third countries and Japan is expected.

In addition, in the medium term, the support for the provision of legal aid services using this application will be of great help in various countries. Since JusticeHub currently specializes in criminal cases, a pilot project that includes the use for civil cases can be considered. For these purposes, the knowledge gained from Japan's Houterasu and other organizations can be utilized.

The following is a summary of proposals on the formulation of JICA support under this theme.

Table 12-2 Proposed cooperation for ICT use

Level	Content of Cooperation	CP	Beneficiary	Scheme	Outcome	Resources
Country	Expanding the JusticeHub app to provide legal aid services	Prisons, police stations, legal aid bureaus	Suspect, detainee	Technical cooperation, Dispatch of experts	Improving access to legal aid for suspects and detainees	JusticeHub app, NGO (RBJ)
	Project to support ICT-enabled judicial processes and access to judicial information (case follow-up function, portal site)	Ministry of Justice, Judiciary (also Smart Zambia Institute in Zambia)	ordinary citizen	Technical cooperation	Improving the efficiency and transparency of the judicial process	Rwanda IECMS
	Lawyers' Bank platform (a website for registering human resources of informal justice bearers)	Attorney General's Office / Ministry of Justice and Constitutional Affairs	Attorney General's Office / Ministry of Justice and Constitutional Affairs	Technical cooperation	Efficient use of legal aid human resources	Japanese know-how of "criminal lawyer S list registration"
Region	Call center dissemination support project (sharing of Q&A, etc.)	Ministry of Justice, Cote d'Ivoire / Lifeline Childline Zambia	Department of Justice, Legal Aid Bureau	Third Country Training	Call center know-how sharing, promotion	Houterasu, update Q&A
	Training on ICT in the field of justice (IECMS: Case study training on e-filing and e-case management integrated system)	Rwanda Ministry of Justice	National Judicial Organizations	Third Country Training Task-specific training	Promotion of ICT in the judiciary sector	Rwanda IECMS

Source: JICA survey team

(3) Mobile Legal Clinic

Although some of the vehicles have already been introduced in many countries, there were many requests for support to expand the Mobile Legal Clinic, a mobile legal advice vehicle. Especially in the rural areas of each country, the internet communication network is not well developed. There are high expectations that mobile legal clinics will be a means to expand the coverage of the formal judicial system which is considered to be "distant, expensive, and slow, and strengthen the function of informal and alternative justice.

It is worth considering whether it is possible to provide grant aid for these facilities that take advantage of Japanese technology, such as automobile refurbishments and interiors that ensures privacy. There is also the possibility of supporting the development of educational materials for awareness-raising activities by referring to Japanese legal education materials.

Table 12-3 Proposed cooperation for Mobile Legal Clinics

Level	Content of Cooperation	CP	Beneficiary	Scheme	Outcome	Resources
Country	Support for the provision of vehicles and equipment for conducting mobile legal clinics	Ministry of Justice	Community	Grant aid	Provision of legal information, consultation, and support in remote areas	Provision of vehicles from Japan, Local NGOs
Country	Enhance the function of mobile legal clinics	Ministry of Justice	Community	Technical cooperation	Development of teaching material on legal education and awareness raising	Teaching material of legal education in Japan

Source: JICA survey team

(4) One-Stop Center

Some countries have already started and it is becoming increasingly important is the establishment of a One-Stop Center (OSC). There are interests in a comprehensive service and integrated response through the development of OSCs, and the expansion of their functions through interagency cooperation. In particular, in protecting GBV victims, the role of a one-stop center that can contact not only judicial officials but also police, medical institutions, social workers, and other various stakeholders is significant. However, it may take time to develop a system of OSC and mechanism for interagency cooperation, as well as to train staff capable of responding to diverse needs.

Although some donors have already started to support the establishment of OSCs, there is a great need for regional expansion. In addition, one of the characteristics of Japanese assistance is its meticulousness and respect for privacy, which are considered essential for comprehensive and collaborative services. Therefore, it would be possible to assist target countries in cooperation with international organizations by dispatching experts or training in Japan.

Table 12-4 Proposed cooperation for One-Stop Centers

Level	Content of Cooperation	CP	Beneficiary	Scheme	Outcome	Resources
Country	Strengthening multi-sectoral OSCs to protect victims of GBV	Legal aid agencies (in collaboration with Ministry of Gender, Ministry of Health, Police, and Prosecutor's Office)	Victims of GBV, mainly women and girls	Technical cooperation, Dispatch of experts, Grass-roots Technical cooperation	Strengthening the capacity of OSC staff, Expanding the scope of OSC's support	NGOs supporting women in Japan

Source: JICA survey team

(5) Cooperation with international organizations, bilateral aid agencies, NGOs, etc.

While many of the issues are unique to each country, many issues are common to all countries, making it possible to provide assistance at the regional level. Many international and bilateral aid organizations have a long track record of assisting in the field of access to justice, and it is necessary to consider areas where assistance can be provided in a way that is unique to Japan while drawing on their experience. In addition, depending on the content of the assistance, the so-called South-South cooperation method may be possible, as many of the target countries can share their experiences in this field.

In particular, paralegal support can be expected to be effective over a wide area by providing support through regional-level organizations, including the following.

1) East African Legal Aid Network (EALAN)

- Establishment date: Started in January 2020. The concept came about from the 1st East African Regional Legal Aid Conference, which was held in Nairobi from November 5-8, 2018, and was initially supported by IDLO.
- Objectives: To create a broad network on legal aid to carry out research and sharing of regional issues. It is characterized by public-private partnerships.
- Secretariat: The East African Legal Aid Network has just started (some countries are still waiting for MOUs to be signed) and is still in the process of establishing a secretariat. A website will be created.
- Members: Ministries of Justice and NGOs from various countries are participating. Participating countries are Kenya, Tanzania, and Burundi. Currently, Uganda is in the process of signing an MOU. Rwanda and South Sudan are scheduled to join, but are awaiting confirmation from the government. Representative NGOs from each country have already signed. The chair country is currently Tanzania (MOCLA), and there are plans to expand the number of Tanzanian NGO participants to include the Tanzania Network of Legal Aid Providers.
- Activities: Creation of legal frameworks for paralegals and survey the current status of legal aid in each country to support paralegal activities. It is planned to conduct networking, knowledge and information sharing, and action planning for this purpose. In the future, virtual platform will be established to introduce initiatives in each country, and establish milestones for solving problems.
- Issues and directions: The priority for the next 1-2 years is to collect information on the actual situation of access to justice in each country. There is a plan to create a database (archive), but currently fund is not

available. Training material sharing, information exchange programs between countries, and study tour are also planned or being planned. However, an annual meeting which was planned for January 2020 has not been held regularly due to COVID-19.

- Needs and expectations: Partnerships through support to the secretariat to be formed, lobbying new countries to join government agencies, creation of the content (paralegal training, knowledge and information sharing), and establishment of virtual platform. In doing so, it is one idea to refer to Japanese law, precedents, and literature databases.
- Collaboration: Working with East and Horn of Africa Paralegal Network, planning to collaborate with SADC Legal Aid Network. Collaboration with African Center of Excellence for Access to Justice (ACE-AJ) in Southern Africa is also welcome. As for the cofounding mechanism, it is better to pay the legal aid service providers directly.

2) East and Horn of Africa Paralegals Network

- Establishment date: Started in 2021. Like EALAN, it was created as a follow-up to the 1st East African Regional Legal Aid Conference, a legal aid network conference held in Nairobi from November 5-8, 2018 (supported by IDLO).
- Objective: To promote learning among paralegals in a wide area and to share regional issues.
- Secretariat: The secretariat is still in the process of being established.
- Members: In addition to EALAN members, paralegal organizations also participated. Countries include Kenya, Uganda, Tanzania, Rwanda, Burundi, Somalia, South Sudan (January 2021)²⁴⁹, and Ethiopia²⁵⁰.
- Activities: Sharing of best practices, networking.

3) African Center of Excellence for Access to Justice (ACE-AJ)²⁵¹

- Date of establishment: 2017
- Purpose: As a regional level NGO network promoting paralegals, it aims to be an information hub on community paralegals in the African region.
- Secretariat: Represented by a Malawian NGO (PASI).
- Constituent members: 12 English-speaking African countries at present (South: Malawi, Zambia, South Africa, Mozambique; East: Kenya, Tanzania, Rwanda, Uganda; West: Ghana, Nigeria, Sierra Leone), and countries to be developed in the future (West: Cote d'Ivoire, Senegal, Burundi)
- Activities: Training community paralegals and strengthening their activities through workshops, study tours and internships, and sharing of training materials. In the future, it was indicated that they would like to create an E-library of best practices from each country and build an online network.

²⁴⁹ <https://www.idlo.int/news/events/east-and-horn-of-africa-paralegals-network-cahpn-annual-forum>

²⁵⁰ Interview with EALAN 2021/12/28

²⁵¹ <https://accesstojustice.africa/>

12.2.2 Ideas for Country-Level Cooperation

After organizing the contents of support for sectoral issues as described above, we will now organize the characteristics of each country in order to examine the contents and priority of support by country based on the needs of each country. For details of the each proposed support for each country, please refer to Chapter 13 Appendix 13.2 List of Potential JICA Supported Projects.

(1) Kenya

In Kenya, although paralegals are active in the community, a certification system and a nationally standard training curriculum are just being established, and support is required at this stage. The Ministry of Justice (MOJ) requested assistants for institutionalization and enhancement the training curriculum immediately. Both the judiciary and judicial education institutions are keen to apply ICT in the judicial sector. The issue of accessing to judicial service is significant in rural areas due to the fact that the country is home to diverse ethnic groups with different lifestyles. In addition, the number of GBV is increasing due to COVID-19, and countermeasures are needed.

Table 12-5 List of proposed cooperation for Kenya

No.	Issue	Content of Cooperation	CP	Beneficiaries
K-1	Paralegal	Support for enhancing the functionality of AJS	Department of Justice, NLAS	Legal aid organizations, mediation organizations, and government officials
K-2	Paralegal	Capacity building platform for legal education	Council of Legal Education (CLE)	University, Paralegal
K-3	ICT	Training for ICT in the judicial sector (Third country training by Rwanda)	Rwanda Ministry of Justice	Judiciary (Court of Justice)
K-4	ICT	Providing legal aid services through the JusticeHub app	Prison	Paralegal, police, and prison staffs Criminal suspects, defendants, and other inmates and their families
K-5	Mobile Legal Clinic	Mobile Legal Clinic Support	Ministry of Justice and NLAS	Legal aid organizations and the general public
K-6	OSC	Multi-sectoral One-stop Center for GBV Victim Protection	Legal Aid Bureau (Ministry of Gender, Health/Police Department) Implementation Agency: NGO	Victims of GBV, mainly women and girls

Source: JICA Survey Team

(2) Tanzania

In Tanzania, paralegals work extensively in the community, but a certification system and a nationally uniform training curriculum are currently under consideration, and it is essential to invest resources in this area in conjunction with ICT. In addition, the judiciary has begun to implement ICT in the justice sector, and both the Ministry of Constitutional Affairs and Justice and the Attorney General's Office have stated that legal aid providers need to be centrally managed using ICT, and that complaints from the community need to be managed as well online.

Table 12-6 List of proposed cooperation for Tanzania

No.	Issue	Content of Cooperation	CP	Beneficiaries
T-1	Paralegal	Strengthen the training of paralegals and support monitoring	Ministry of Justice and Constitutional Affairs (MOCLA), Law School	Paralegal training institutions (universities, NGOs), Paralegals
T-2	ICT	Support for ICT-enabled judicial processes and access to judicial information	Judiciary, MOCLA	Judiciary, MOCLA, Lawyers
T-3	ICT	E-learning support for legal education and continuing education	MOCLA, Law School of Tanzania	Judicial personnel
T-4	ICT	Lawyers' Bank Platform	Ministry of Justice (Attorney General's Office, Solicitors' Office), MOCLA	Ministry of Justice (Attorney General's Office, Solicitors' Office), MOCLA, Lawyers, Paralegals
T-5	ICT	Ombudsman system (Complaint of violation of the law) ICT utilization of platform (infrastructure, resources, training support)	Ministry of Justice (Attorney General's Office, Solicitors' Office)	General public
T-6	Mobile Legal Clinic	Mobile Legal Clinic Support	Judiciary, MOCLA	Legal aid organizations and the general public
T-7	OSC	Support for the Integrated Justice Center (IJC)		General public

Source: JICA Survey Team

(3) Rwanda

Rwanda has an online case management system in place through IECMS, and the judiciary sector is becoming more ICT-enabled. This has also facilitated the use of the JusticeHub app. In addition, although there is no system of paralegals, there are many activities in the field of informal justice, such as the institutionalization of Abunzi for community mediation and the initiation of the qualification of trial mediators, so there is an urgent need for capacity building. Another feature is that OSCs for GBV already exist but need to be further strengthened.

Table 12-7 List of proposed cooperation for Rwanda

No.	Issue	Content of Cooperation	CP	Beneficiaries
R-1	Paralegal	Training of mediators and use of ICT for training	Faculty of Law and Ministry of Justice, University of Rwanda	Mediators and users of mediation
R-2	ICT	Use of ICT for Arbitration and Training in Arbitration	Kigali International Arbitration Center (KIC)	Lawyers, paralegals
R-3	ICT	Expanding the JusticeHub app to provide legal aid services	Department of Justice, Prisons	Criminal suspects, defendants, and other inmates, their families, and police and prison staff
R-4	ICT	Monitoring pro bono implementation using the JusticeHub app	Department of Justice, Legal Aid Bureau	Lawyer
R-5	Mobile Legal Clinic	Mobile Legal Clinic Support	Ministry of Justice, NGOs	Legal aid organizations and the general public
R-6	OSC	Enhancements to existing OSC (Isange Center)	Police, RIB (Rwanda Investigation Bureau)	Victims of GBV, mainly women and girls

Source: JICA Survey Team

(4) Zambia

Zambia has established a certification system for paralegals and a nationally standardized training curriculum. Moving forwards, there is a need to increase the number and improve the quality of paralegals based on these systems and to expand the regional coverage. As Legal Aid Bureau (LAB) has a responsibility to supervise the legal aid providers, a paralegal monitoring system needs to be established. In order to promote e-governance, the government developed a government portal and plans to link judicial institutions referring the e-case flow management system in Rwanda. In addition, a GBV-specific call center and an OSC for GBV victim protection have been established, and these seem to be functioning in part in cooperation with each other.

Table 12-8 List of proposed cooperation for Zambia

No.	Issue	Content of Cooperation	CP	Beneficiaries
Z-1	Paralegal	Strengthen cooperation between local courts and chiefs	Judiciary, NGO (Law and Development Association)	Communities (especially women and girls who are disadvantaged under customary law)
Z-2	Paralegal	Strengthen the training of paralegals and support monitoring	Legal Aid Board (LAB) (in collaboration with TEVETA)	Paralegal training institutions (universities, NGOs), Paralegals
Z-3	ICT	Share knowledge of GBV call center and strengthen cooperation with related organizations	Lifeline Helpline Zambia	Police VSU, Schools, Chiefs, NGOs (Ultimately, benefits GBV victims and children)
Z-4	ICT	Providing legal aid services through the JusticeHub app	Legal Aid Board (LAB), Police Station (ZPS), Prison (ZCS)	Paralegals, police, and prison staffs (Ultimately benefits suspects, detainees, and defendants)
Z-5	ICT	Monitoring pro bono implementation using the JusticeHub app	Legal Aid Board (LAB), Law Association of Zambia (LAZ)	Lawyer
Z-6	ICT	Project to support ICT-enabled judicial processes and access to judicial information	Ministry of Justice (MOJ), Inter-Agency Collaboration (CCCI), Smart Zambia Institute	Criminal justice agencies (Judiciary, LAB, NPA, police, prisons)
Z-7	OSC	Strengthening the functioning of the OSC and judicial collaboration for the protection of victims of GBV	Legal Aid Bureau (Ministry of Gender, Health/Police), NGO (NLACW, LRF)	Victims of GBV, mainly women and girls

Source: JICA Survey Team

(5) Malawi

In Malawi, community volunteers play an important role as a link between informal and formal justice contact points. In particular, community paralegals (village mediators) trained by NGOs (PASI) are functioning effectively. Therefore, further support for the trainers' training and refresher training and expansion to rural areas are strongly required. Government-led hospital-based OSCs and police-based VSUs have been established to protect victims of GBV, providing first aid, counseling, and referrals to relevant agencies. By strengthening the capacity of these OSCs and VSUs in collaboration with paralegals, it will be possible to provide legal information and assistance, and there is also potential for development of these OSCs and VSUs to function as centers for awareness-raising

activities. As for the ICT application in Malawi, e-case management systems are being introduced in related institutions. However, IT literacy is not high, so additional training is needed for the staffs in charge.

Table 12-9 List of proposed cooperation for Malawi

No.	Issue	Content of Cooperation	CP	Beneficiaries
M-1	Paralegal	Support for the development of community paralegals	Legal Aid Bureau (LAB), NGO (PASI)	Community
M-2	Paralegal	Introduction of mediation training courses	Staff Development Institute (SDI)	Community
M-3	Paralegal	Sharing knowledge among countries to promote and expand the use of paralegals	Department of Justice	Judicial agencies (MOJ, Judiciary, LAB, LAZ)
M-4	ICT	Training for ICT in the judicial sector (Third country training by Rwanda)	Rwanda Ministry of Justice	Judicial agencies (Judiciary, LAB, Department of Public Prosecutor (DPP))
M-5	ICT	Providing legal aid services through the JusticeHub app	LAB	Suspect, detainee, defendant
M-6	Mobile Legal Clinic	Mobile Legal Clinic Support	LAB, Ombudsman, National Initiative for Civic Education (NICE) for civic education)	Judicial institutions and the general public
M-7	OSC	Strengthening the functioning of the OSC and judicial collaboration for the protection of victims of GBV	LAB (need to collaborate with Ministry of Gender, Health, police), NGOs (WOLREC, CHREAA)	Victims of GBV, mainly women and girls

Source: JICA Survey Team

(6) Cote d'Ivoire

In Côte d'Ivoire, when the legal clinics officially become organizations under the Ministry of Justice, it is envisaged that there will be a need for a system to certify the staff of the legal clinics as paralegals. For this reason, it is worthwhile to learn from the ACE-AJ's extensive network and information on paralegal systems and capacity building and to refer to them. In addition, by learning from Rwanda's advanced ICT practices, it will be possible to promote ICT more effectively in Côte d'Ivoire. The vehicle for mobile legal clinics can be effectively used to expand the activities of the legal clinics and to raise awareness of law and rights in rural areas. It is necessary to coordinate the support for the legal clinics with GIZ, which is currently implementing the support for the legal clinics, and with AFD, which is planning to implement the support in the future, to avoid duplication of assistance and to enhance the synergy effect. In addition, the call center set up in 2016 with JICA support has expanded in scale and the content of the Q&A has been enhanced thanks to the efforts of the Ministry of Justice and support from other donors. Sharing these experiences with other countries is a form of cooperation that will contribute to improving access to justice in the sub-region. It would also be beneficial to strengthen the protection of GBV victims by supporting the strengthening of platform for GBV victims and the expansion of its support areas. Other useful assistance would be to support the sharing of experiences and archiving of good practices on legal advice and legal aid with other countries facing similar challenges, such as Senegal and Niger.

Table 12-10 List of proposed cooperation for Cote d'Ivoire

No.	Issue	Content of Cooperation	CP	Beneficiaries
C-1	Paralegal	Support for institutionalization and capacity building of paralegals	DACP, Ministry of Justice in Côte d'Ivoire	Ministry of Justice, Legal Clinics
C-2	ICT	Training for ICT in the judicial sector (Third country training by Rwanda)	Ministry of Justice in Rwanda, RBJ	Ministry of Justice in each country, NGOs
C-3	ICT	Project for the promotion of call centers	DACP, Ministry of Justice in Côte d'Ivoire	Call centers : Ministry of Justice in Francophone African countries Q&A: Translated into English: Legal aid offices and paralegal training institutions in Anglophone Africa
C-4	Mobile Legal Clinic	Support for mobile legal clinics	DACP, Ministry of Justice in Côte d'Ivoire	Legal aid agencies including Legal Clinics, general public
C-5	OSC	Strengthening and expansion of GBV's platform for victims' protection	Ministry of Interior and Security, Ministry of Women, Family and Children, Ministry of Health (GBV Victim Support Platform)	Victims of GBV, mainly women and girls

Source: JICA Survey Team

(7) Niger

Although Niger has an institutionalized paralegal system, the number of paralegals (DCO) is limited and capacity-building training for paralegals is not systematically provided. Various information and training materials from ACE-AJ could contribute to the improvement of paralegals in Niger. Also, learning from Rwanda about advanced ICT practices will help to promote ICT in their country more effectively. In addition, sharing the experience of DCOs and the National Legal Advice and Legal Assistance Agency (ANAJJ), which does not exist in Côte d'Ivoire and Senegal, will contribute to improving access to justice in the sub-region. Other useful assistance would be to revitalize and improve the corruption reporting hotline, drawing on the call center in Côte d'Ivoire.

Table 12-11 List of proposed cooperation for Niger

No.	Issue	Content of Cooperation	CP	Beneficiaries
N-1	ICT	Training for ICT in the judicial sector (third country training by Rwanda)	Ministry of Justice in Rwanda, RBJ	Ministry of Justice in each country, NGOs
N-2	ICT	Project for the promotion of call centers (Third country training by Côte d'Ivoire)	DACP, Ministry of Justice in Côte d'Ivoire	Call centers : Ministry of Justice in Francophone African countries Q&A: Translated into English: Legal aid offices and paralegal training institutions in Anglophone Africa
N-3	Mobile Legal Clinic	Support for mobile legal clinics	Agence Nationale de l'Assistance Juridique et Judiciaire (ANJJ)	Legal aid agencies including ANAJJ, general public

Source: JICA Survey Team

(8) Senegal

According to ACE-AJ, ACE-AJ and the Justice House (Maison de Justice) have started discussions on collaboration, and in order to further promote cooperation and collaboration between the two organizations, support to ease language barriers, such as translating ACE-AJ's English training materials into French, would be beneficial. In addition, learning from Rwanda about advanced ICT practices will help Senegal to promote ICT more effectively. The provision of vehicles for mobile legal clinics can also be used effectively in areas where access to justice houses is difficult. Also, Senegal has implemented useful activities to help improve access to justice in other countries, such as the justice house initiative and the court-appointed lawyer system. Another effective way of cooperation is to use the Q&A developed by the call center in Côte d'Ivoire in the justice house.

Table 12-12 List of proposed cooperation for Senegal

No.	Issue	Content of Cooperation	CP	Beneficiaries
S-1	ICT	Training for ICT in the judicial sector (Third country training by Rwanda)	Ministry of Justice in Rwanda, RBJ	Ministry of Justice in each country, NGOs
S-2	ICT	Project for the promotion of call centers (Third country training by Côte d'Ivoire)	DACP, Ministry of Justice in Côte d'Ivoire	Call centers : Ministry of Justice in Francophone African countries Q&A: Translated into English: Legal aid offices and paralegal training institutions in Anglophone Africa
S-3	Mobile Legal Clinic	Support for mobile legal clinics	Direction de la Justice de Proximité et de la Promotion de l'Accès au Droit (DJPPAD)	Legal aid agencies including Justice houses (Maison de justice), general public

Source: JICA Survey Team

(9) Country-level multidisciplinary cooperation

Based on the activities of governmental organizations, NGOs, and international donors, the followings are the ideas of country level cooperation that is considered to be highly feasible.

1) Kenya

In Kenya, training for legal aid agencies and paralegals is not uniform across the country and is not conducted online. Therefore, it would be useful to support the rollout of training for paralegals and informal justice providers nationwide.

In terms of implementation structure, the project shall work with NLAS of the Department of Justice to collaborate on program development, materials and other content, and with CLE to expand the training nationwide through NGOs and educational institutions. This activity will be conducted using an online platforms. It is also possible to incorporate GBV training into issue-specific training, and to link the results to OSCs and mobile legal clinics.

Table 12-13 Country-Level cooperation for Kenya

Items	Capacity building for informal justice actors
Needs	The access points to justice for communities are the legal aid and mediation agencies of the AJS, including chiefs and paralegals. In addition, Kenya has Huduma Desk (administrative service desk covering 47 provinces. There are 52 locations nationwide) and e-government services ²⁵² are widespread. In Kenya, there is no established monitoring and evaluation system for legal education providers. In addition, training for legal aid agencies and paralegals is not available online in a uniform manner nationwide.
Content of Cooperation	<ul style="list-style-type: none"> • Creation of content for training materials (materials specific to issues such as GBV and child support, and materials for different targets such as chiefs, paralegals, and administrative officers) • Create a monitoring and evaluation system for online legal education providers. • Create a platform for online legal aid clinics. • Create a platform for paralegal training and pro bono services for paralegals • Provide training through Mobile legal clinics • Enhance mobile legal clinic functions (development of teaching materials for legal education and awareness raising)
Counterpart	NLAS and Committee on Legal Education (CLE), Ministry of Justice
Beneficiary	Paralegals, informal justice workers, community laypeople, victims of GBV
Expected Outcome	<ul style="list-style-type: none"> • By creating a virtual platform through ICT, the evaluation mechanism can also be put on the platform and the information can be viewed on that platform • The function of mobile legal clinic will be strengthened, and the scope and quality of educational activities will be improved.
Scheme	Technical cooperation, Issue-specific training, Dispatch expert
Japanese contribution	Platform construction support
Other resources	<ul style="list-style-type: none"> • Training materials for mediation • Knowledge of law schools, bar associations, and local autonomy universities²⁵³ in Japan • Knowledge of NGOs working to support women and GBV victims (issue-specific training) • Vehicles for mobile legal clinics • Development and utilization of legal education materials (educational materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; educational materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; educational materials for elementary, junior high, and high school students from the Ministry of Justice; movies from the Japan Federation of Bar Associations; legal education materials from the Fukui Bar Association and Kyoto Bar Association, etc.)
Remarks	While the CLE is attempting to expand legal education nationwide, its focus areas may differ from those of the NLAS, so the division of roles between the two needs to be clarified. In addition, while NLAS is willing to start developing training materials for legal education and informal justice workers immediately (it does not have to be online), CLE is looking to go online, so the timeframe needs to be discussed. There are significant requests from both parties.

Source: JICA Survey Team

2) Zambia

In Zambia, a training and certification system for paralegals has been established, and paralegals with uniform training will provide judicial services, but there is a need for a system to strengthen the training of paralegals and to monitor the quality of services. In addition, in rural areas, paralegals can be made more effective by collaborating with other institutions. This could include collaboration between district judges and chiefs, which is already being done in some areas, or with existing OSCs that specialize in GBV protection. Since the NGO

²⁵² <https://www.ecitizen.go.ke/>

²⁵³ <https://www.soumu.go.jp/jitidai/jitidaitowa.htm>

network of paralegals (PAN) has also been established, it would be possible to collaborate with them in training and monitoring.

As for the counterpart, since the new Legal Aid Act requires the Legal Aid Bureau (LAB) to register and supervise paralegals, LAB would be suitable for the projects related to paralegals. The major donors of the justice sector in Zambia is GIZ, and has been supporting the institutionalization of paralegal. As they are also planning to strengthen the organization of LAB, the direction of the proposed project is in line with GIZ. Since OSC is supported by UNDP, it will be necessary to consider whether to collaborate in the same region or implement in different regions.

Table 12-14 Country-Level cooperation for Zambia

Items	Capacity building of paralegals and cooperation with related organizations
Needs	A nationally standardized paralegal training curriculum and training manual have been prepared. However, there is currently a lack of training for trainers in Teaching Methodology and refresher training. Paralegals are assigned to the police, prisons, and security magistrate's courts to provide legal information and make referrals to the relevant agencies, but the application could be used as a tool to refer cases that require legal representation to a lawyer. In addition, once the new legal aid law is enforced, the right to legal aid needs to be notified in the police and prisons, but since staff knowledge is not sufficient, there needs to be a means for police and prison staff to access law-related information. The community's access points to justice are the district courts, which use the codified law as the basis, the chiefs, who use customary law as the basis, and the paralegals, who share judicial information and conduct mediation. However, the judges do not fully understand customary law, and the chiefs do not fully trust the judges.
Content of Cooperation	<ul style="list-style-type: none"> • Strengthening of paralegal training and support for monitoring (e.g., implementation of refresher training) (Following can be implemented as a pilot project) <ul style="list-style-type: none"> • Strengthen links between paralegal desks located in police and prisons and lawyers (use of JusticeHub app) • Strengthening of cooperation between local courts and chiefs using paralegals, and judicial education and awareness-raising activities • Strengthening of links with lawyers for GBV victims using paralegals • Q&A sharing at the GBV call center and strengthening feedback linkages with relevant organizations
Counterpart	Legal Aid Bureau (LAB) <ul style="list-style-type: none"> • Paralegal training: Implementation in collaboration with TEVETA and NGOs • Cooperation with District Courts, Chiefs and OSCs: Implementation in collaboration with NGOs
Beneficiary	Paralegal training institutions (universities, NGOs), paralegals Police, Prison, local court judges, chiefs, communities (especially women and girls disadvantaged by customary law)
Expected Outcome	<ul style="list-style-type: none"> • Paralegal training and capacity building of relevant institutions • A mechanism for collaboration between paralegals and relevant institutions will be established.
Scheme	Technical cooperation
Japanese contribution	<ul style="list-style-type: none"> • Training materials for mediation • NGOs working to support women in Japan
Other resources	<ul style="list-style-type: none"> • NGO (Law and Development Association) is a previous pilot project implementing organization. • NGO (National Legal Aid Clinic for Women) under Law and Development Association is supporting the project including OSC.
Remarks	In 2011-15, Denmark (DIHR) implemented a similar project in the south of the country, and the results were confirmed, so it is expected to be expanded to other areas. In the case of collaboration with hospital-based OSCs, it may be necessary to conduct regional segregation, as UNDP (Sweden and Ireland) is currently providing support.

Source: JICA Survey Team

3) Cote d'Ivoire

In Côte d'Ivoire, there are needs related to the four areas identified as priority themes for improving access to justice (paralegals, ICTs, mobile legal clinics and one-stop centers). A comprehensive project that combines these four areas with call center support is proposed as follows.

Table 12-15 Country-Level cooperation for Cote d'Ivoire

Items	Project for promoting access to justice at community level and digitalization in judicial sector
Needs	If the legal clinics become institutions under the Ministry of Justice, it will be the role of the Ministry of Justice to train paralegals who will provide legal information and support for legal aid. However, the Ministry of Justice does not have the know-how to recruit and train paralegals. There is a need to learn from Anglophone Africa, where paralegals are already active, and to support the development of a human resources development system in Côte d'Ivoire. There is also a lack of vehicles for the mobile legal clinics used by the legal clinics. The provision of a vehicle could promote awareness of law and rights in rural areas. In addition, the establishment of a platform for coordination and cooperation of relevant institutions in GBV has been limited to a few areas, but the need for this platform exists throughout the country. It would be beneficial to support the expansion of the establishment of platforms to include medical and psychological care and to strengthen the protection of GBV victims. Other than that, the judiciary sector in Côte d'Ivoire is not yet digitalized, and there is a strong need to learn from the Rwandan case and use these examples to support the implementation of digitalization. There is also a need to strengthen publicity to increase the number of calls received in order to roll out the call center model to other countries.
Content of Cooperation	<ul style="list-style-type: none"> • Institutionalization of paralegal and capacity-building training • Provision of vehicles for mobile legal clinics • Enhance mobile legal clinic functions (development of teaching materials for legal education and awareness raising) • Capacity building and expansion of the GBV victim support platform • Support for the introduction of e-filing and e-case management • Support for the roll-out of the call center model to other countries
Counterpart	DACP, Ministry of Justice Ministry of Interior and Security, Ministry of Women, Family and Children, Ministry of Health (GBV Victim Support Platform)
Beneficiary	Ministry of Justice Paralegals (staff of the Legal Clinic) Communities Victims of GBV
Expected Outcome	<ul style="list-style-type: none"> • The human resources and functions of legal clinics will be strengthened, the quality of legal and rights awareness-raising activities at the community level will be improved, and their areas of operation will be expanded. • A comprehensive support framework for victims of GBV will be established. • ICT in the justice sector will be promoted to improve physical access to justice and reduce corruption in the justice sector. • The functioning of the call center will be strengthened and the number of users of the services will be expanded. • The function of mobile legal clinic will be strengthened, and the scope and quality of educational activities will be improved.
Scheme	Technical cooperation
Japanese contribution	Training materials for mediation Vehicles for mobile legal clinics NGOs working to support women and victims of GBV Houterasu (Japan Legal Support Center) Development and utilization of legal education materials (educational materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; educational materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; educational materials for elementary, junior high, and high school students from the

	Ministry of Justice; movies from the Japan Federation of Bar Associations; legal education materials from the Fukui Bar Association and Kyoto Bar Association, etc.)
Other resources	<ul style="list-style-type: none"> • African Center of Excellence for Access to Justice (ACE-AJ) • One stop center in Malawi, Isange Center in Rwanda, etc.
Remarks	<p>A commitment by the Ministry of Justice to cover the following costs are required:</p> <ul style="list-style-type: none"> • Maintenance and fuel costs for the mobile legal clinic vehicles • Management of the e-filing and e-case management system and its necessary costs <p>In collaboration with GIZ, which is supporting the legal clinics, and AFD, which will be supporting the legal clinics in the future, to avoid duplication of support and to create synergies.</p>

Source: JICA Survey Team

12.2.3 Ideas for Regional-Level Cooperation

Among the country-specific support needs, needs common to all countries were identified. The following is a list of support proposals that are expected to be effective in supporting common issues at the regional level. See Chapter 13 Appendix 13.2 List of Potential JICA Supported Projects for details of each support proposal at the regional level.

(1) List of the ideas for regional-level cooperation

In African countries, the issues impeding access to justice are similar, but the efforts to improve access to justice in each country are diverse. In particular, there is a high level of interest in activities related to paralegals, and it is necessary to build a platform where related information can be centralized and accessed by all parties concerned. In addition, it is important to set up opportunities to learn from precedent cases, as ICT in the judicial field has started and each country is facing its own challenges.

Table 12-16 List of proposed projects for Regional-Level cooperation

No.	Issue	Content of Cooperation	CP	Beneficiaries
A-1	Paralegals	Building a platform for legal aid agencies and for legal aid agencies and paralegals in AJS paralegals in AJS	East African Legal Aid Providers' Network Conference East African and Horn of Africa Paralegal Network	AJS Legal Aid Service Providers and Community Paralegals
A-2	Paralegals	Building a platform on community paralegals	African Center of Excellence for Access to Justice (ACE-AJ)	Legal aid service providers who utilize community paralegals.
A-3	ICT	Training for ICT in the judicial sector (Third country training by Rwanda)	Rwanda Ministry of Justice, RBJ	Judicial agencies and NGOs in each country
A-4	Others	Support for the establishment of regional networks to promote legal consultation and legal aid	Access to Justice Office, Ministry of Justice of each country Implementing Organization: MOJ in Cote d'Ivoire	Access to Justice Officers, NGOs, Ministries of Justice

Source: JICA Survey Team

(2) Regional-Level Cooperation

With regard to the ideas of proposals organized above, the following is a rough draft of cooperation at the regional level where counterparts and cooperation resources can be identified and where the contribution to each country is likely to be highly effective.

1) Building a platform for paralegals

African countries are now considering the institutionalization of paralegals and the content of their training, and it was confirmed that they have a strong desire to learn from the cases of other countries and apply them to their own efforts. Since African countries do not currently have a system for referring to and applying case studies from other countries, the development of an E-library that consolidates best practices and training materials for community paralegals in each country will lead to the institutionalization of paralegals in African countries and the enhancement of their effectiveness through training and activities. CPs will be able to use the E-library to institutionalize, train and strengthen paralegals' effectiveness in African countries.

The CP will be the African Center of Excellence for Access to Justice (ACE-AJ), whose members are NGOs from East, South, and West African countries. Since the ACE-AJ has already conducted a survey of paralegals in each country and has the materials to organize best practices, it is realistic to use the ACE-AJ as a base to support the development of an E-library through technical cooperation projects. In addition, the East African Legal Aid Network Conference and the East and Horn of Africa Paralegals Network, both of which have the Ministry of Justice and NGOs as members, are considering a similar approach. Therefore, we can expect a more comprehensive approach by collaborating with other networks. It is also possible to combine these programs with training in third countries.

In Japan, a database with rich contents of legal information (precedents, laws and regulations, literature information, legal journals) has been established and is being used. In addition, since it was confirmed that there is a high level of interest from African countries in the mediator training materials being prepared by JICA, Japan's contribution to this cooperation proposal can also be expected.

Table 12-17 Regional-Level cooperation (Paralegal)

Items	Building a platform on community paralegals
Needs	Although community paralegal initiatives are currently being implemented in African countries in various countries, there is no mechanism to refer to, apply, and apply cases from other countries. There is a need to establish a platform that consolidates best practices and training materials for paralegals so that each country can learn from cases and methodologies to improve their activities. The network of paralegals and training materials of the African Center of Excellence for Access to Justice (ACE-AJ) can be effectively used for institutionalization and human resource development of paralegals in the French-speaking part of West Africa, but for this purpose, French translation of training materials and English-French interpretation at conferences are required.
Content of Cooperation	<ul style="list-style-type: none"> • E-Library of paralegal best practices • Compilation of training materials • French translation of training materials
Counterpart	The African Center of Excellence for Access to Justice (ACE-AJ) has paralegal support NGOs from South, East, and West African countries as its members.
Target countries	African countries, including the eight countries surveyed
Beneficiary	Legal aid service providers who use paralegals
Expected Outcome	Practices and training materials can be used as a reference and applied to paralegal initiatives in African countries to improve access to justice at the community level.
Scheme	Technical cooperation projects, third country training, Issue specific training
Japanese contribution	<ul style="list-style-type: none"> • Introduction of an E-library system (https://www.tkc.jp/law/lawlibrary/) that utilizes Japan's expertise in building legal information databases (precedents, laws and regulations, bibliographic information, legal journals) • Sharing of training materials for mediators created by JICA.

Other resources	<ul style="list-style-type: none"> • ACE-AJ has already conducted a survey of paralegals and can organize best practices based on the survey. • It is expected to collaborate with other East African networks (East African Legal Aid Network Conference, East African and Horn of Africa Paralegal Network).
Remarks	Although it is a new organization established in 2017, it has a track record of receiving support from the Charles Stuart Mott Foundation and GIZ.

Source: JICA Survey Team

2) Training for call centers promotion

Some Francophone African countries have expressed interest in the call center of Côte d'Ivoire to learn their experience and develop it in own countries. There is also interest from legal aid offices and paralegal training institutions not only in Francophone Africa, but also in Anglophone Africa, in referring to the Q&A developed by the call center.

It would be significant to share operational know-how from Côte d'Ivoire in order to facilitate the establishment of call centers in other countries. The Q&A prepared by the call center will also be useful for the training of legal aid agencies and paralegal training institutions in other countries. It will also help to boost the confidence of Côte d'Ivoire by providing training in a third country.

Table 12-18 Regional-Level cooperation (Call Center)

Items	Training for the development of call centers
Needs	Some Francophone African countries have expressed interest in the call center of Côte d'Ivoire to learn their experience and develop it in own countries. There is also interest from legal aid offices and paralegal training institutions not only in Francophone Africa, but also in Anglophone Africa, in referring to the Q&A developed by the call center.
Content of Cooperation	<p>A series of tasks and experiences will be transferred to the trainees from Francophone African countries. A series of tasks and experiences related to the set-up and operation of call centers, such as the preparation of call centers' set-ups, training of operators, updating of Q&As and analysis of incoming calls, will be transferred.</p> <p>Support for the translation of the call centers' Q&As into English, which will be shared not only with French-speaking countries but also with English-speaking institutions.</p>
Counterpart	Civil and Criminal Affairs Department (DACP) of the Ministry of Justice of Côte d'Ivoire
Target countries	African countries, including the 8 target countries of the survey
Beneficiary	<p>Call center: Judiciary officials from French-speaking African countries</p> <p>English translation of Q&A: Legal aid offices and paralegal training institutions in English-speaking African country</p>
Expected Outcome	Call center management know-how will be shared with African countries to help them develop their call centers services in other countries. The Q&A will also help improve the quality of training and activities of legal aid and paralegal training institutions in other countries.
Scheme	Third Country Training
Japanese contribution	<p>Financial and technical support for the implementation and operation of training programs in third countries</p> <p>Call center implementation costs</p> <p>Q&A Translation Cost</p> <p>Houterasu's (Japan legal support center) know-how in training operators and its experience in transferring technology to Côte d'Ivoire will be useful in developing other countries.</p>
Other resources	The call center Q&A of a Zambian NGO (Lifeline Helpline Zambia) can also be shared during the same training.
Remarks	<p>As it is not easy to obtain a toll-free number, a flexible management approach, combining free communication tools such as Facebook and WhatsApp will be will considered.</p> <p>In order to ensure sustainability, the support will be provided on the basis that the Ministry of Justice will</p>

	<p>be responsible for the maintenance costs of the call center equipment and the personnel costs of the operators.</p> <p>The copyright and scope of sharing of Q&As will be stipulated in advance.</p>
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Source: JICA Survey Team

3) Training on ICT (IECMS/Mobile App)

One of the factors that made it possible for Rwanda's JusticeHub app to be used nationally in Rwanda was that the country had an online case management system through IECMS. In addition, during the regional workshop, it was confirmed that participants from each country were interested in learning about Rwanda's IECMS.

Therefore, it would be useful to combine the IECMS training by the Rwandan Ministry of Justice with the app training by the NGO (IBJ/RBJ) that develops the JusticeHub app. In addition to the matching of criminal suspects/defendants with lawyers and the linkage to case management, which is currently being implemented in Rwanda, it would be helpful to incorporate functions that Rwanda hopes to expand in the future (online meetings).

Table 12-19 Regional-Level cooperation (ICT)

Items	Training for the promotion of ICT in the judiciary
Needs	<p>Although e-case management systems are currently being introduced in many countries in East and Southern Africa, these systems are under-utilized and there was a high level of interest in learning about the IECMS case in Rwanda.</p> <p>In West Africa, e-filing and e-case management systems have not been introduced throughout the country, and it is not possible to access various information without physical access to the courts. It is also expected to ensure transparency of information and contribute to the prevention of corruption by promoting ICT.</p>
Content of Cooperation	<p>Training on how Rwanda's IECMS works (e-filing, e-case management) and how it operates</p> <p>Training on the use of JusticeHub application and its linkage with IECMS</p> <p>Training on the use of JusticeHub app and how to work with IECMS</p>
Counterpart	Rwanda Ministry of Justice, RBJ
Target countries	African countries, including the 8 target countries of the survey
Beneficiary	Judicial institutions (Ministry of justice, courts, police stations, prisons), lawyers
Expected Outcome	Knowledge sharing on ICT in formal justice in African countries to improve efficiency and transparency of the process by promoting ICT use.
Scheme	Third Country Training
Japanese contribution	JusticeHub app
Other resources	<p>IECMS system in Rwanda</p> <p>The JusticeHub application will be implemented and the know-how of the RBJ will be used to link it with the IECMS.</p>
Remarks	<p>In East and Southern Africa, the progress of ICT in case management is slightly different, and the level of applicability to their countries may differ, although knowledge sharing is welcomed.</p> <p>In West Africa, some courts do not have internet access, so it will take time to disseminate the results of the training throughout the country.</p>

Source: JICA Survey Team

Chapter 13. Annex

13.1 Selection of target countries

The target countries will be selected based on data, documents, and donors' interventions. The selection procedure will be carried out as follows: 1) prioritize countries that make efforts to improve access to justice and to promote ICT in the justice sector, and 2) confirm the application of ICT in judicial proceedings in the prioritized countries. The latter is used as a reference to select a country for assisting ICT promotion. The selection procedures and selected countries are described below.

(1) Improve Access to Justice

8 evaluation criteria were set based on the point of view including the possibility of collaboration with JICA and other donors, the sustainability of assistance, and the rule of law performance, etc.

Table 13-1 Evaluation Criteria

Point of View	Evaluation Criteria
Possibility of collaboration with JICA projects	(1) Participated in “Training for Enhancement of Access to Justice” in Japan or “Criminal justice in Francophone African countries” under the third country training program.
	(2) Part of the priority areas of country development cooperation policies is related to access to justice in broad definition such as governance (administration, security, peacebuilding) and social welfare within 10 years.
Possibility of effective and sustainable assistance	(3) Activities for access to justice is mentioned in National development plans
	(4) National free legal information centers exist
	(5) Law and/or decree and/or policy related to legal aid are available
Possibility of collaboration with other donors	(6) Major donors have conducted projects for access to justice within 10 years.
Legal system/Language	(7) Consistency between legal system (common law/civil law) and language (English/French)
	(8) West: Civil law/French, East, and South: Common law/English ²⁵⁴
Rule of law performance	(9) Rule of Law Index 2020 scores published by the World Justice Project (WJP) is higher than 0.47 which is the average score of 31 Sub-Saharan Africa countries (Average of all 128 countries is 0.56) ²⁵⁵

The validity of the countries' selection was confirmed through 3 steps by the 8 evaluation criteria.

In the first step, 22 Sub-Saharan African countries were selected based on criteria 1 and 2 to confirm the possibility of collaboration with JICA projects. In the second step, national development plans and policies, and laws related to legal aid were confirmed by criteria 3 to 6 to ensure effective and sustainable assistance. In addition, donors' intervention in the justice sector was confirmed for creating synergy with their projects. Also, consistency between the legal system (common law/civil law) and language (English/French) of each country was verified by criteria 7 for considering the easiness of knowledge and experience sharing in each region. Furthermore, the rule of law

²⁵⁴ In Western Africa, French civil law system is applied to a lot of countries such as Cote d'Ivoire, on the other hand, in Eastern and Southern Africa, common law system is adopted in many countries.

²⁵⁵ World Justice Project (WJP) is Non-Governmental Organization working to build knowledge, generate awareness, and stimulate action to advance the rule of law to advance the rule of law worldwide. WJP publishes Rule of Law Index on annual basis and the 2020 edition covers 128 countries.

performance in each country was verified by criteria 8. In the third step, total scores were added up and the countries with a high score were selected as having a higher possibility of collaboration with JICA projects.

The results of the evaluation were shown in Table 13-2. The evaluation criteria 2 to 7 have higher importance for improving access to justice so those criteria are given 2 points. The other criteria 1 and 8 are given 1 point.

Table 13-2 Evaluation result of target country selection

Region	Country	Collaboration with JICA projects		Development Plan, Law			(6) Donors Projects	(7) Legal system /Language	(8) RoL Index 2020	Scores
		(1) JICA training	(2) Country development cooperation policies	(3) National development plans	(4) National free legal information centers	(5) Legal aid law/decree/policy				
East	Kenya	0	2	2	0	2	2	2	0 (0.45)	10
	Tanzania	1	2	2	0	2	2	2	1 (0.47)	12
	Uganda	0	2	2	2*1	2	2	2	0 (0.40)	12
	Rwanda	0	2	2	0	2	2	1*3	1 (0.62)	10
	Burundi	0	2	2	0	2	2	0	NA	8
	Sudan	0	2	0	1*2	0	2	2	NA	7
	South Sudan	0	2	2	0	0	2	2	NA	8
	Djibouti	0	2	0	0	0	2	0	NA	4
	DRC	1	2	N/A	N/A	N/A	2	0	0 (0.34)	5
South	Malawi	1	0	2	2	2	2	2	1 (0.52)	12
	Zambia	0	2	2	0	2	2	2	0 (0.45)	10
	South Africa	0	2	2	2*1	2	2	1*4	1 (0.59)	12
	Madagascar	0	2	2	2	2	2	0	0 (0.44)	10
West	Cote d'Ivoire	1	2	2	2	2	2	2	0 (0.46)	13
	Niger	1	2	2	2	2	2	2	0 (0.45)	13
	Nigeria	0	2	2	0	2	2	0	0 (0.43)	8
	Mali	1	2	2	0	2	2	2	0 (0.44)	11
	Burkina Faso	1	0	2	0	2	2	2	1 (0.51)	10
	Ghana	0	2	2	2	2	2	0	1 (0.57)	11
	Mauritania	1	2	2	0	2	2	2	0 (0.36)	11
	Senegal	1	0	2	2	2	2	2	1 (0.55)	12
	Sierra Leone	0	2	2	2	2	2	0	0 (0.45)	10

Note: *1 Existence of call center with a toll-free number, *2 Only existence in Darfur *3 Civil law/English *4 Hybrid Legal System
Source: Website (Ministry of Foreign Affairs in Japan, donors, governments of each country, World Justice Project (2020), Globalex, etc.)

Based on the above results, 8 countries below are proposed as target countries for a field survey. The countries which have a toll-free number for call centers were excluded from the target countries. The survey for these countries will be entrusted by local consultants.

- **East: Tanzania, Kenya, Rwanda**

Tanzania and Uganda obtained 12 points, Kenya and Rwanda got 10 points. Uganda is excluded due to

the existence of call centers with a toll-free number in the Justice Centre²⁵⁶ established by the Ministry of Justice.

- **South: Malawi, Zambia**

South Africa and Malawi earned 12 points and Zambia and Madagascar obtained 10 points. South Africa is excluded due to the existence of call centers with a toll-free number in the Legal Aid South Africa²⁵⁷ created by the legal aid act. The reason for choosing Zambia is that development issues such as former refugee protection and human rights are related to this survey. In addition, Zambia's legal system is common law so it is expected to make possible collaboration with East and Southern African target countries.

- **West: Cote d'Ivoire, Niger, Senegal**

Cote d'Ivoire and Niger had 13 points and Senegal got 12 points. Niger and Senegal use the same language and also apply the civil law system so both countries could collaborate effectively through sharing knowledge, experience, and outcome of the call center in Cote d'Ivoire. In Senegal, Maison de Justice (Justice House) established by the Ministry of Justice conducts innovative activities by providing free legal information and mediation services. The introduction of the call center will be also expected to improve the function of Maison de Justice. For this reason, Senegal is proposed as a target county.

(2) Promoting ICT for judicial proceedings

To promote ICT for judicial proceedings, the current use of ICT in the target countries is evaluated by the 3-e systems below: (1) e-Filing, (2) e-Court, and (3) e-Case Management.

Table 13-3 ICT in the judicial proceedings

Systems	Evaluation criteria
(1) e-Filing	Submit case documents and documentary evidence through online
(2) e-Court	Implement virtual courts through online meeting software
(3) e-Case Management	Manage court case records through digitalization

The results of the 3-e systems implementation status in the target countries are shown in Table 11.4.

Table 13-4 Evaluation result of ICT performance for judicial proceedings

	Country	e-filing	e-court	e-management
East	Kenya	O	O	O
	Tanzania	O	X	O
	Rwanda	O	O	O
South	Malawi	O	X	O
	Zambia	O	X	O
West	Cote d'Ivoire	△	X	△
	Niger	△	X	△
	Senegal	O	X	O

O: Implementing / △: Completed or planning / X: No activities

Source: Donors, government, and news websites in the target countries

²⁵⁶ <http://justicecentres.go.ug/index.php/2014-11-27-11-30-03/about-us>

²⁵⁷ <https://legal-aid.co.za/legalaidsa/>

In Eastern and Southern Africa, e-Filing and e-Case Management are implemented by donors' assistance such as the EU and World Bank. Kenya and Rwanda started e-Court in response to Covid-19. On the other hand, in Western Africa, except e-Filing, digitalization is not so promoted. In Cote d'Ivoire, the project of USAID for ICT promotion in the justice sector was completed. In Niger, the assistance for ICT adaption is planned by AFD, but the details are unknown.

The application of ICT in the court proceedings is most advanced in East Africa and West Africa is behind in digitalization. In East Africa, particularly, Kenya or Rwanda will be proposed as a target country for promoting ICT.

13.2 List of JICA's potential cooperation

Details of JICA's potential cooperation outlined in Chapter 12 Survey Summary 12.2 Proposal for JICA's cooperation on improving access to justice are described below. The contents of the support, counterparts, beneficiaries, etc. are based on current assumptions.

13.2.1 Kenya

(Paralegals)

K-1	Support for enhancing the functionality of AJS
Needs	Access points to justice for the community are legal aid and mediation agencies including chiefs and paralegals. Kenya has the Huduma Desk (administrative service desk covering 47 provinces, 52 locations nationwide), and e-government services are widespread. https://www.ecitizen.go.ke/
Support Contents	Content creation for training materials <ul style="list-style-type: none"> • Issue-specific materials: Provide sector-specific training to legal aid and mediation agencies on GBV, child support, and nursing, criminal procedures, land disputes, etc. as refresher training. • Materials for different targets: Training on Legal Aid Act for Court Users' Committee (currently only 12 states). Legal and Gazette training for Chiefs and other AJS Committees. Additional training for those with basic knowledge of law such as lawyers, paralegals, administrative officers, etc. • The training included law reform, civic education, Legal Aid Act, constitutional law, family law (especially marriage laws are complex and there are five types of marriage patterns in Kenya), child custody, documentation, and self-expression.
Counterpart	Department of Justice, NLAS
Beneficiary	Legal aid organizations, mediation organizations, and government officials
Scheme	Technical cooperation, Issue specific training, Dispatch experts
Japan's contribution (input)	Knowledge of Law Schools, Legal Training and Research Institutes, and Bar Associations in Japan Knowledge of local autonomy university in Japan
Remark	Refresher training for administrative staff of Huduma Desk should be considered, but collaboration with the Ministry of Devolution is necessary.

K-2	Capacity building platform for legal education
Needs	Kenya does not have a monitoring and evaluation system for legal education providers. In addition, training for legal aid agencies and paralegals is not available online in a uniform manner nationwide.
Support Contents	Establish a monitoring and evaluation system for online legal education providers. Creation of an online platform for legal aid clinics for university education where the Council of Legal Education (CLE) will regulate the curriculum (creating a unified central program for universities across Kenya). Create a platform for pro bono services for paralegals; CLE can provide nationwide coverage (UNDP's PLEAD program was limited to 12 provinces).
Counterpart	Council of Legal Education (CLE): Accreditation body for legal qualifications created in 2013 under the

	Legal Education Act (2012). https://cle.or.ke/
Beneficiary	University, Paralegal
Scheme	Technical cooperation, Issue specific training, Dispatch experts
Japan's contribution (input)	Knowledge of Law Schools, Legal Training and Research Institutes, and Bar Associations in Japan
Remark	

(ICT)

K-3	Training for ICT in the judicial sector (Third Country Training by Rwanda)
Needs	In Kenya, the use of ICT in the judicial process has already started, but even the courts that have already introduced e-case management expressed interest in learning from Rwanda's IECMS.
Support Contents	Training on IECMS case study in Rwanda
Counterpart	Rwanda Ministry of Justice
Beneficiary	Judiciary (Court of Justice)
Scheme	Task-based training, Training in third countries
Japan's contribution (input)	TBC
Remark	

K-4	Providing legal aid services through the JusticeHub app
Needs	Currently, some prisons (Nakuru Prison) are working with paralegals (Legal Resources Foundation), and paralegals provide legal information and referrals to relevant agencies. The app could be used as a tool for paralegals to connect with lawyers for cases that require representation.
Support Contents	Localization of the JusticeHub app Expansion of information provision tools Application training for paralegals, police, and prison staff
Counterpart	Prison
Beneficiary	Paralegal, police, and prison staffs Criminal suspects, defendants, and other inmates and their families
Scheme	Technical cooperation
Japan's contribution (input)	JusticeHub App
Remark	

(Mobile Legal Clinic)

K-5	Mobile Legal Clinic Support
Needs	In Kenya, a containerized mobile legal clinic has been set up in Nakuru with the support of UNDP to provide legal aid, legal counseling, and legal awareness in remote areas. To expand activities in remote areas, more trucks are required.
Support Contents	Provide container trucks and establish a clinic. It will also serve as judicial education for pastoralists in northeastern Kenya and counter judicial overpopulation. Development of teaching materials for legal education and enlightenment activities to strengthen the functions of mobile legal clinics
Counterpart	Ministry of Justice and NLAS
Beneficiary	Legal aid organizations and the general public
Scheme	TBC
Japan's contribution (input)	Track customization, track provisioning Development and utilization of teaching materials for legal education (teaching materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; teaching materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; teaching materials for elementary, junior high, and high school students created by the Ministry of Justice; movies created by the Japan Federation of Bar Associations; legal education materials created by the Fukui Bar Association and the Kyoto Bar Association, etc.)

Remark	Maintenance costs (gas, etc.) are subject to negotiation.
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(OSC)

K-6	Multi-sectoral One-stop Center for GBV Victim Protection
Needs	GBV's victim support is scattered across sectors such as justice, health, and social welfare, making inquiries time-consuming.
Support Contents	Create a model (One-Stop Center OSC) to provide legal and psychosocial support to victims of GBV together with hospitals, police, and social security-related agencies. Set up in hospitals in rural areas. Link paralegals with hospital-based OSCs and police station-based VSUs to provide judicial information and links to lawyers. Provide feedback to chiefs in the region on GBV case studies and responses to challenges, and use this in conjunction with training and Awareness Raising.
Counterpart	Legal Aid Bureau (Ministry of Gender, Health/Police Department) Implementation Agency: NGO
Beneficiary	Victims of GBV, mainly women and girls
Scheme	Technical cooperation, Dispatch experts
Japan's contribution (input)	NGOs supporting women in Japan
Remark	Need to coordinate with AJS Policy which is scheduled to be completed by the end of February 2022.

12.2.2 Tanzania

(Paralegal)

T-1	Strengthen the training of paralegals and support monitoring
Needs	In Tanzania, under the Legal Aid Act, a paralegal is a person who has legal knowledge (has gone through a designated training) but is not qualified as a lawyer. There are about 4,000 paralegals in the country. A nationally uniform paralegal training curriculum and training manual are currently being developed by MOCLA and the law school, but even three-month refresher training is difficult to implement. There are private paralegals in all regions, but there needs to be a mechanism to monitor the quality of paralegals. The number of Government (State) Paralegals (mostly police and prison officers), for whom human rights education was provided in the pilot program, needs to be increased as well as improving their quality. There was training in Dar es Salaam, but not in rural areas, so the number of State Paralegals is small.
Support Contents	Expansion of paralegal training content Create a system for monitoring and evaluation of certified paralegals (such as providing refresher training for paralegal registration renewal). Strengthen the capacity of Government (State) Paralegals (mostly police and prison officers)
Counterpart	Ministry of Justice and Constitutional Affairs (MOCLA), Law School
Beneficiary	Paralegal training institutions (universities, NGOs), Paralegals
Scheme	Technical cooperation, Issue specific training, Dispatch experts
Japan's contribution (input)	TBC
Remark	

(ICT)

T-2	Project to support ICT-enabled judicial processes and access to judicial information
Needs	The court has introduced an e-case management system, but it needs to be expanded.
Support Contents	Training on Rwanda's e-case flow management system Introduction of judicial information into the portal site (access to information for citizens) Add case follow-up function for parties applying for cases.
Counterpart	Judiciary, Ministry of Justice and Constitutional Affairs (MOCLA)
Beneficiary	Judiciary, Ministry of Justice and Constitutional Affairs (MOCLA), Lawyers
Scheme	Technical cooperation, Issue specific training, Dispatch experts
Japan's	TBC

contribution (input)	
Remark	

T-3	E-learning support for legal education and continuing education
Needs	It is necessary to expand continuing training for judicial personnel after certification. In Tanzania, the Tanzania Law School is currently the only institution specializing in judicial education (the Zanzibar Law School has just been established), and if legal education can be made available online nationwide, students in rural areas will be able to take courses.
Support Contents	Expansion of continuing training for judicial personnel after certification Online legal education curriculum.
Counterpart	Ministry of Justice and Constitutional Affairs (MOCLA), Law School of Tanzania
Beneficiary	Judicial personnel
Scheme	Technical cooperation, Issue specific training, Dispatch experts
Japan's contribution (input)	Knowledge of online education at law schools in Japan, knowledge of the Bar Association's criminal lawyer S-list registration system (for those trained in the jury trial system and pre-trial procedures)
Remark	

T-4	Lawyers' Bank Platform
Needs	The idea for the "Lawyers bank" came out of a meeting between the Ministry of Justice and the Ministry of Justice and Constitutional Law ²⁵⁸ . Although there are many informal justice providers, the information is not centralized. The website is designed to visualize who is responsible for informal justice, where they are located, and whether or not they are receiving work requests. Training for registered personnel on how to use the platform and training for the capacity building are also needed. Although this is an idea that is commonly recognized by the relevant ministries, it has not yet been prepared for implementation. The AG's office will be working with the relevant ministries and agencies to make this bank a reality.
Support Contents	Lawyers Bank resource and training support Use of ICT
Counterpart	Ministry of Justice (Attorney General's Office, Solicitors' Office), Ministry of Justice (MOCLA)
Beneficiary	The users of informal justice system
Scheme	Technical cooperation
Japan's contribution (input)	Knowledge of the Bar Association's criminal lawyer S-list registration (those who have received training in the jury trial system and pre-trial procedures) system
Remark	

T-5	Ombudsman system (Complaint of violation of the law) ICT utilization of platform (infrastructure, resources, training support)
Needs	Since the Legal Aid Act of 2017, complaints about violations of the law are also accepted by individuals. However, infrastructure is lacking. There is no support service for people who cannot use the Internet. Insufficient capacity building of AG office staff and general public is also an issue.
Support Contents	Establish a system to accept complaints online. Provide support for computers and related equipment. Create a support service for people who cannot use the Internet in cooperation with legal aid organizations and law schools. Capacity building (training for AG Office staff and Awareness Raising for the general public)
Counterpart	Ministry of Justice (Attorney General's Office, Solicitors' Office)
Beneficiary	General public
Scheme	Technical cooperation
Japan's contribution (input)	Knowledge of the National Citizen Ombudsman Liaison Conference and the Citizen Center for Freedom of Information

²⁵⁸ Interview with Ministry of Justice 2021/12/28

Remark	
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(Mobile Legal Clinic)

T-6	Mobile Legal Clinic Support
Needs	Particularly in Tanzania, which has a large area of provinces, the support of mobile legal clinics through the provision of trucks to expand legal aid, legal counseling, and activities in remote areas as a measure against judicial depopulation is beneficial. The clinics at the bus terminals have had some success, and the law school that hosts these clinics is expected to expand. It is also possible to provide support for nomads.
Support Contents	Provide container trucks and establish a clinic. Development of teaching materials for legal education and enlightenment activities to strengthen the functions of mobile legal clinics It will also serve as judicial education for pastoralists in northeastern Kenya and counter judicial overpopulation.
Counterpart	Ministry of Justice and Constitutional Affairs (MOCLA)
Beneficiary	Legal aid organizations and the general public
Scheme	TBC
Japan's contribution (input)	Track customization, track provisioning Development and utilization of teaching materials for legal education (teaching materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; teaching materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; teaching materials for elementary, junior high, and high school students created by the Ministry of Justice; movies created by the Japan Federation of Bar Associations; legal education materials created by the Fukui Bar Association and the Kyoto Bar Association, etc.)
Remark	Maintenance costs (gas, etc.) are subject to negotiation.

(OSC)

T-7	Support for the Integrated Justice Center (IJC)
Needs	The Integrated Justice Center (IJC) is an initiative of the High Court and has been set up in seven locations: two in Dar es Salam, Dodoma, Morogoro, Mara, Kigoma, and Arusha. The project started in 2020 and is supported by IMF and MOCLA. In cooperation with the Bar Association and the Paralegal Center, the following offices were established: Aid Centre offices, Gender Violence Desk, Family/Matrimonial Complain Desk, National prosecution, and Private Advocate offices. However, staffing is still inadequate, and there is insufficient training to meet the challenges.
Support Contents	Strengthen these desks by training, staffing, and diversification of consultation methods (e.g., online use).
Counterpart	Judiciary
Beneficiary	General public
Scheme	Grassroots technical cooperation or dispatch of experts
Japan's contribution (input)	NGOs supporting women in Japan
Remark	

12.2.3 Rwanda

(Paralegal)

R-1	Training of mediators and use of ICT for training
Needs	In addition to Abunzi, which is a community mediation system, a court mediation system has been established. There is a need to strengthen the capacity of the Certified Mediator (Abahouza) who serve as a mediator (Abahouza is under the Judiciary, unlike Abunzi). The University of Rwanda will provide training and credits for Abahunza.
Support Contents	Creating training materials for the Certified Mediator (Abahouza)
Counterpart	Faculty of Law and Ministry of Justice, University of Rwanda
Beneficiary	Mediators and users of mediation
Scheme	Technical cooperation, Dispatch experts

Japan's contribution (input)	Mediator Training Materials
Remark	

(ICT)

R-2	Use of ICT for Arbitration and Training in Arbitration
Needs	Currently, arbitration is conducted physically. It would be good if it could be made online and training could be strengthened.
Support Contents	Online arbitration Arbitration training online
Counterpart	Kigali International Arbitration Center (KIC)
Beneficiary	Lawyers, paralegals
Scheme	Technical cooperation
Japan's contribution (input)	Knowledge of the Japan Commercial Arbitration Association ²⁵⁹ Knowledge of the JusticeHub application
Remark	

R-3	Expanding the JusticeHub app to provide legal aid services
Needs	Currently, JusticeHub is used to match defense attorneys with suspects and defendants, but visits are conducted physically. Also, suspects and defendants are not allowed to visit their families after March 2020. Many legal professionals have received JusticeHub training, but legal education for the general public is insufficient. It is also not online. Currently, JusticeHub is limited to criminal cases, but lawyers involved in the practice of law have expressed a need to expand it to civil cases.
Support Contents	The application of matching and case management systems to civil cases Online family visitation service for family members of suspects and defendants Judicial education, including human rights education for the general public (E-learning certificate creation). Regional expansion: training in other countries
Counterpart	Department of Justice, Prisons
Beneficiary	Criminal suspects, defendants, and other inmates, their families, and police and prison staff
Scheme	Technical cooperation, Issue specific training, Third country training
Japan's contribution (input)	JusticeHub App
Remark	

R-4	Monitoring pro bono implementation using the JusticeHub app
Needs	Lawyers need to engage in pro bono work to renew their lawyers' licenses. However, there are no mechanism to check whether they have engaged or not. It would be good to have a system online to track whether or not an attorney has engaged in pro bono work.
Support Contents	Pro bono (legal aid) implementation through the app Management of attorneys who have performed pro bono work
Counterpart	Department of Justice, Legal Aid Bureau
Beneficiary	Lawyer
Scheme	Technical cooperation
Japan's contribution (input)	JusticeHub app
Remark	

²⁵⁹ <https://www.jcaa.or.jp/>

(Mobile Legal Clinic)

R-5	Mobile Legal Clinic Support
Needs	In Rwanda, NGOs are conducting judicial caravans to provide legal aid, legal counseling, and legal awareness in remote areas. To expand the activities in remote areas, a truck is required. There is also a need for content support (picture-story shows) related to legal awareness.
Support Contents	Provide container trucks and establish a clinic. It will also serve as judicial education for pastoralists in northeastern Kenya and counter judicial overpopulation. Development of teaching materials for legal education and enlightenment activities to strengthen the functions of mobile legal clinics
Counterpart	Ministry of Justice, NGOs
Beneficiary	Legal aid organizations and the general public
Scheme	Grant aid
Japan's contribution (input)	Track customization, track provisioning Development and utilization of teaching materials for legal education (teaching materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; teaching materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; teaching materials for elementary, junior high, and high school students created by the Ministry of Justice; movies created by the Japan Federation of Bar Associations; legal education materials created by the Fukui Bar Association and the Kyoto Bar Association, etc.)
Remark	Maintenance costs (gas, etc.) are subject to negotiation.

(OSC)

R-6	Enhancements to existing OSC (Isange Center)
Needs	One-stop centers (Isange Centers) have been set up in local hospitals to support victims of GBV, and in cooperation with the police and RIBs, reporting, referral, counseling, and treatment are being provided. There is also a toll-free version. Sensitization for the general public is still insufficient.
Support Contents	Create a link between hospital-based OSCs and lawyers to expand the provision of judicial information. Expand training and sensitization for the general public. Regional expansion.
Counterpart	Police, RIB (Rwanda Investigation Bureau)
Beneficiary	Victims of GBV, mainly women and girls
Scheme	Grassroots technical cooperation or dispatch of experts
Japan's contribution (input)	NGOs supporting women in Japan
Remark	

12.2.4 Zambia

(Paralegal)

Z-1	Strengthen cooperation between local courts and chiefs
Needs	Access points for the community are the local courts, which are based on common law, and the chiefs, which are based on customary law, as well as paralegals for judicial information sharing and mediation. In Zambia, local courts have been established in each chiefdom, but there is a lack of coordination since judges do not fully understand customary law and chiefs do not fully trust the judges. Strengthening the capacity and coordination of those actors will lead to improved access to justice at the community level.
Support Contents	Training for district judges, chiefs, and paralegals Introduce a mechanism for collaboration among those actors.
Counterpart	Judiciary Implementing agency (NGO: Law and Development Association), which is also the implementing agency of the pilot project
Beneficiary	Communities (especially women and girls who are disadvantaged under customary law)

Scheme	Technical cooperation
Japan's contribution (input)	TBC
Remark	A similar project was implemented by Denmark (DIHR) in the South region in 2011-15 and the positive results were confirmed, so it is expected to be expanded to other regions. DIHR is interested in cooperation with JICA if there is interest.

Z-2	Strengthen the training of paralegals and support monitoring
Needs	A nationally standardized paralegal training curriculum and training manual have been prepared. However, there is currently a lack of training on teaching methodologies for trainers. The new legal aid law requires the Legal Aid Board (LAB) to be responsible for registering and supervising paralegals. Therefore, a system to monitor the quality of paralegals is urgently required.
Support Contents	Expansion of paralegal training content Create a system for monitoring and evaluation of certified paralegals (such as providing refresher training for paralegal registration renewal)
Counterpart	Legal Aid Board (LAB) (in collaboration with TEVETA)
Beneficiary	Paralegal training institutions (universities, NGOs), Paralegals
Scheme	Technical cooperation
Japan's contribution (input)	TBC
Remark	The curriculum was developed with the support of the EU/GIZ and based on consultations with relevant organizations, including NGOs.

(ICT)

Z-3	Share knowledge of GBV call center and strengthen cooperation with related organizations
Needs	In Zambia, the GBV and Child Support Call Center has been in operation since 2003 and has accumulated know-how in responding to inquiries and also the changes of the nature of inquiries. Several institutions are providing counseling and other support to victims of GBV in the country including police and NGOs. The sharing of know-how on counseling and other issues with organizations working to support GBV will help strengthen the capacity of the organizations involved. Follow-up with related organizations is partly done, but it is not yet established as a mechanism. Issue-specific (GBV) call center experiences will be beneficial to other African countries, for example, the Maasai group expressed interest in GBV focused call center system.
Support Contents	Sharing Q&A on GBV with related organizations Capacity building of related organizations Strengthen cooperation with related organizations and update Q&A based on their feedbacks Add a mechanism for follow-up and feedback after inquiry
Counterpart	Lifeline Helpline Zambia
Beneficiary	Police VSU, Schools, Chiefs, NGOs (Ultimately, this will benefit GBV victims and children)
Scheme	Short-term expert dispatch for cases within Zambia When expanding to other countries, issue-specific training in third countries
Japan's contribution (input)	Knowledge of the Hoterasu, Knowledge of Project for strengthening network in Mekong region to combat human trafficking (JICA), etc.
Remark	

Z-4	Providing legal aid services through the JusticeHub app
Needs	In Zambia, paralegals are assigned to police, prisons, and magistrate's courts to provide legal information and make referrals to relevant agencies. The JusticeHub application could be used as a tool for paralegals to connect with lawyers for cases that require representation. When the new legal aid law is enforced, the police and prison officers need to inform the rights of the accused and ask for legal aid, but the knowledge of the officers is not sufficient. The use of apps would be beneficial as a means for police and prison officers to access law-related information in the library function.

Support Contents	Localization of the JusticeHub app Expansion of information provision tools Application training for paralegals, police, and prison officers
Counterpart	Legal Aid Board (LAB), Police Station (ZPS), Prison (ZCS)
Beneficiary	Paralegals, police, and prison staffs (Ultimately benefiting suspects, detainees, and defendants.)
Scheme	Technical cooperation
Japan's contribution (input)	JusticeHub App
Remark	

Z-5	Monitoring pro bono implementation using the JusticeHub app
Needs	Lawyers need to engage in at least one pro bono work per year to renew their lawyers' licenses. However, there is no system in place to ascertain whether or not an attorney has engaged in pro bono work (currently, it is self-reporting). There is a need for a system that can be managed together with CPD training, which is another requirement to renew the license.
Support Contents	Pro bono (legal aid) implementation through the app Management of attorneys who have performed pro bono work Management of CPD training attendance
Counterpart	Legal Aid Board (LAB), Law Association of Zambia (LAZ)
Beneficiary	Lawyer
Scheme	Technical cooperation
Japan's contribution (input)	JusticeHub
Remark	

Z-6	Project to support ICT-enabled judicial processes and access to judicial information
Needs	Criminal justice agencies have introduced a stand-alone e-case management system, and there is a plan to make it a cross-agency e-case flow management system in the future. As part of the E-governance initiative, a national portal site has been established to provide information on administrative procedures, application procedures, and payments. There is a need to create an access point for citizens in the judicial sector as well.
Support Contents	Training on Rwanda's e-case flow management system (IECMS) Technical support to link the systems of each organization (API connection) Training on how to use e-case flow management Introduction of judicial information into the portal site (access to information for citizens) Add case follow-up function for parties applying for cases.
Counterpart	Ministry of Justice (MOJ), Inter-Agency Collaboration (CCCI), Smart Zambia Institute
Beneficiary	Criminal justice agencies (courts: Judiciary, Legal Aid Bureau: LAB, National Prosecuting Authority: NPA, police stations, prisons)
Scheme	Technical cooperation
Japan's contribution (input)	Technology for linking different e-case management systems
Remark	

(OSC)

Z-7	Strengthening the functioning of the OSC and judicial collaboration for the protection of victims of GBV
Needs	One-stop centers (OSCs) have been established in hospitals to support victims of GBV, providing counseling, treatment, and referrals to relevant institutions (supported by USAID). A Victim Support Unit (VSU) has been established at the police station to provide counseling and referrals to relevant agencies. At present, contact with paralegals is limited.
Support Contents	Link paralegals with hospital-based OSCs and police station-based VSUs to provide information on laws

	and procedures and create links with lawyers. Provide feedback to chiefs in the region on GBV case studies which lead to training and Awareness Raising.
Counterpart	Legal Aid Bureau (Ministry of Gender, Health/Police Department) Implementing Agency: NGO (NLACW, LRF)
Beneficiary	Victims of GBV, mainly women and girls
Scheme	Grassroots technical cooperation (e.g. NGOs supporting women and children, e.g. JOICFP) or dispatch of experts
Japan's contribution (input)	Knowledge of NGOs, etc.
Remark	For hospital-based OSC and village-level deployment, UNDP (Sweden and Ireland) is currently providing support.

12.2.5 Malawi

(Paralegal)

M-1	Support for the development of community paralegals
Needs	In areas where community paralegals (Village Mediators) are being trained, they play an important role as the first contact for conflict resolution in the community. At present, the support area is limited (11 out of 28 districts), and refresher training is not sufficiently provided.
Support Contents	Deployment of community paralegal model in other regions. Trainer's training, refresher training (Q&A)
Counterpart	Legal Aid Bureau Implement Agency: PASI (NGO)
Beneficiary	Community
Scheme	Technical cooperation
Japan's contribution (input)	TBC
Remark	Regional coordination with EU/UNDP who has supported community paralegals in 11 districts. Cooperate in providing refresher training, which is in short supply.

M-2	Introduction of mediation training courses
Needs	A government-accredited training institute offers a 16-week paralegal training course, but it does not include mediation training.
Support Contents	Training materials for paralegals and village heads on mediation skills (possible integration of JICA training materials and PASI materials) Trainers' training
Counterpart	Staff Development Institute (SDI)
Beneficiary	Paralegals
Scheme	Short-term experts
Japan's contribution (input)	Mediation training materials
Remark	In the past, donor-supported a one-year course for Traditional Authorities (TAs) and village heads, but this could not be continued once the support for course fees and transportation costs was no longer available. Securing the budget is an issue.

M-3	Sharing knowledge among countries to promote and expand the use of paralegals
Needs	In Malawi, there is a discussion that paralegals should be allowed to represent themselves to a limited extent (scope). Participants in the regional workshop expressed a desire to learn about the scope of work of paralegals in other African countries (specifically Tanzania and Zambia). Holding a workshop to discuss the use of paralegals based on examples from other countries will have a positive impact.
Support Contents	Training on sharing the scope of work of paralegals and its effects from case studies in various countries

Counterpart	Department of Justice
Beneficiary	Judicial related agencies (Ministry of Justice, MOJ, Courts: Judiciary, Legal Aid Bureau: LAB, Law Society: LAZ)
Scheme	Task-based training, training in third countries
Japan's contribution (input)	TBC
Remark	

(ICT)

M-4	Training for ICT in the judicial sector (Third country training by Rwanda)
Needs	In Malawi, the use of ICT in the judicial process has been slow. Even in courts where e-case management has already been introduced, there is a problem that it is not being used effectively. In the regional workshop, there was a high level of interest in learning about the IECMS in Rwanda.
Support Contents	Training on IECMS case studies in Rwanda
Counterpart	Rwanda Ministry of Justice
Beneficiary	Judicial agencies (Courts: Judiciary, Legal Aid Bureau: LAB, Department of Public Prosecutor: DPP)
Scheme	Task-based training, Training in third countries
Japan's contribution (input)	TBC
Remark	

M-5	Providing legal aid services through the JusticeHub app
Needs	With the support of UNDP, paralegals have been assigned to the police, prisons, and magistrate's courts in 22 districts to provide legal information and make referrals to relevant agencies. The JusticeHub application can be used as a tool for paralegals to connect with lawyers for cases that require representation.
Support Contents	Localization of JusticeHub and training for paralegals to use the app
Counterpart	Legal Aid Bureau (LAB)
Beneficiary	Suspect, detainee, defendant
Scheme	Technical cooperation
Japan's contribution (input)	JusticeHub App
Remark	

(Mobile Legal Clinic)

M-6	Mobile Legal Clinic Support
Needs	The Legal Aid Bureau (LAB) has been unable to meet the legal aid needs in remote areas due to the lack of transportation for lawyers stationed in local offices. The Ombudsman uses mobile legal clinics to educate citizens and identify and solve problems in remote areas, supported by EU/UNDP donors mobile legal clinics activities are being implemented but only once a quarter due to budget constraints. In addition, the Ombudsman is also engaged in civic education using community volunteers.
Support Contents	By providing vehicles, they can educate citizens in remote areas, train community volunteers, and raise awareness among law enforcement agencies (police and courts). Development of teaching materials for legal education and enlightenment activities to strengthen the functions of mobile legal clinics
Counterpart	Legal Aid Board (LAB) Ombudsman (deals with issues such as unfair treatment and process delays by police stations and courts) National Initiative for Civic Education: NICE (they have MOU with Legal Aid Bureau, Law Society, etc. to carry out civic education)
Beneficiary	Judicial institutions and the general public
Scheme	Grant aid, , Technical cooperation
Japan's contribution (input)	Provision of vehicles and funding for activities Development and utilization of teaching materials for legal education (teaching materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; teaching materials created by the Fukuoka Judicial Scriveners Association: "The Power of

	Interpretation"; teaching materials for elementary, junior high, and high school students created by the Ministry of Justice; movies created by the Japan Federation of Bar Associations; legal education materials created by the Fukui Bar Association and the Kyoto Bar Association, etc.)
Remark	Maintenance costs (gas, etc.) are subject to negotiation.

(OSC)

M-7	Strengthening the functioning of the OSC and judicial collaboration for the protection of victims of GBV
Needs	A One-Stop Center (OSC) has been established at District Hospital to support victims of GBV since 2009, where child protection workers, social workers, doctors and nurses, and police officers provide counseling, treatment, and reporting, etc. In cooperation with NGOs, the OSC works with paralegals. A Victim Support Unit (VSU) has been established at the police station to provide counseling and referrals to relevant agencies. At present, contact with paralegals is limited.
Support Contents	Strengthen collaboration between hospital-based OSCs, police station-based VSUs, and paralegals to provide judicial information and create links with lawyers. Provide feedback to chiefs in the region on GBV case studies which lead to training and Awareness Raising.
Counterpart	Legal Aid Bureau (Ministry of Gender, Health/needs to work with police department) Implementing agencies are NGOs (WOLREC, CHREAA)
Beneficiary	Victims of GBV, mainly women and girls
Scheme	Grassroots technical cooperation (NGOs supporting women and children, e.g. JOICFP) or dispatch of experts
Japan's contribution (input)	Knowledge of NGOs, etc.
Remark	For hospital-based OSCs, UNICEF has provided support in the past.

12.2.6 Cote d'Ivoire

(Paralegal)

C-1	Support for institutionalization and capacity building of paralegals
Needs	In Côte d'Ivoire, when the legal Clinics are officially affiliated to the Ministry of Justice, it is expected that there will be a need for a system to certify the staff of the legal clinics as paralegals. It would be worthwhile to learn from the rich network and information provided by the ACE-AJ and others in Malawi on paralegal institutions and capacity building.
Support Contents	Introduce paralegal institutions in other countries, share paralegal training materials and support the implementation of training.
Counterpart	African Center of Excellence for Access to Justice (ACE-AJ)
Beneficiary	Staff of the Department of Justice DACP and legal clinics
Scheme	Theme-based trainings, Training in third countries
Japan's contribution (input)	TBC
Remark	Confirm when the legal clinic will become a public organization under the Ministry of Justice.

(ICT)

C-2	Training for ICT in the judicial sector (Third country training by Rwanda)
Needs	At the regional workshop, there was a high level of interest in learning about IECMS in Rwanda. In Cote d'Ivoire, e-filing, and e-case management systems have not been introduced nationwide, and it is necessary to visit the courts to access various information. The introduction of e-filing and e-case management will reduce the time and cost of traveling to the courts, which will help speed up the process of trial. E-filing and e-case management will also ensure transparency of information and contribute to the prevention of corruption. Learning about the JusticeHub operated by RBJ, its structure and examples of use, and considering how to develop and apply in each country is beneficial for West African countries.
Support Contents	Training on IEMCS case study in Rwanda Understand the functions of JusticeHub operated by RBJ, and observe examples of its use.

	Support small-scale pilot projects for system implementation in each country with follow-up cooperation of refresher trainees.
Counterpart	Rwanda Ministry of Justice, RBJ
Beneficiary	Judicial agencies and NGOs in each country
Scheme	Task-based training, training in third countries
Japan's contribution (input)	Third country training: Cost of sending trainees to Rwanda, cost of training in Rwanda System development support
Remark	The Department of Justice will be responsible for the cost of maintaining the system. The Ministry of Justice will be responsible for the development and maintenance of ICT equipment.

C-3	Call Center Promotion Support Project
Needs	Other French-speaking African countries have expressed interest in the call center operated by the Ministry of Justice of Cote d'Ivoire, saying that they would like to learn from the experience of Cote d'Ivoire and develop it in their countries. There is also interest from legal aid offices and paralegal training institutions not only in French-speaking Africa but also in English-speaking Africa to refer to the Q&A prepared by the call center.
Support Contents	The project will accept trainees from French-speaking African countries and transfer a series of experiences related to the establishment and operation of call centers, including preparation for the establishment of the centers, training of operators, updating of Q&A, and analysis of incoming calls. The project also provides support for translating the call center's Q&A into English and sharing it with relevant organizations in English-speaking countries as well as French-speaking countries.
Counterpart	Civil and Criminal Affairs Department (DACP), Ministry of Justice, Côte d'Ivoire
Beneficiary	Call center: Judiciary officials from French-speaking African countries English translation of Q&A: Legal aid offices and paralegal training institutions in English-speaking African country
Scheme	Third Country Training
Japan's contribution (input)	Financial and technical support for the implementation and operation of training programs in third countries Call center implementation costs Q&A Translation Cost
Remark	Since it is not easy to obtain a toll-free number, flexible operation combined with free communication tools such as Facebook and WhatsApp will be considered. In addition, in order to ensure sustainability, support will be provided on the premise that the DOJ will be responsible for the maintenance and management costs of the call center equipment and the personnel costs of the operators. In addition, the copyright of Q&A and the scope of sharing should be specified in advance.

(Mobile Legal Clinic)

C-4	Support for mobile legal clinics
Needs	In Côte d'Ivoire, the judicial clinics provide legal awareness and legal advice in remote areas through mobile legal clinics converted from trucks. However, trucks are not deployed in all judicial clinics and more trucks are needed to expand the activities in remote areas.
Support Contents	Provide customized trucks for conducting mobile legal clinics to judicial clinics that are not equipped with trucks for mobile legal clinics. Development of teaching materials for legal education and enlightenment activities to strengthen the functions of mobile legal clinics
Counterpart	Direction des Affaires Civiles et Pénales (DACP)
Implementation agency	Procurement Agency (JICS, etc.)
Beneficiary	Legal aid agencies including Judicial clinic, general public
Scheme	Grant aid, Technical cooperation
Japan's contribution (input)	Track customization, track provisioning Development and utilization of teaching materials for legal education (teaching materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; teaching materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; teaching materials for elementary, junior high, and high school students created

	by the Ministry of Justice; movies created by the Japan Federation of Bar Associations; legal education materials created by the Fukui Bar Association and the Kyoto Bar Association, etc.)
Remark	It is a condition of the grant that the Department of Justice is responsible for budgeting the cost of truck maintenance and truck fuel.

(OSC)

C-5	Strengthening and expanding the platform for GBV victims' protection
Needs	The establishment of platforms for coordination and cooperation of relevant institutions in GBV is limited in some regions, but the need for such platforms exists throughout the country. It would be beneficial to strengthen the protection of GBV victims by supporting the expansion of the establishment of platforms to include medical and psychological care.
Support Contents	Expand the number of areas where GBV platforms are established. Conduct capacity-building training for GBV platform personnel. Establish a more comprehensive platform including medical and psychological care to the existing GBV platforms.
Counterpart	DACP, Ministry of Justice, Ministry of Interior and Security, Ministry of Women, Family and Children, Ministry of Health (GBV Victim Support Platform)
Beneficiary	Victims of GBV, mainly women and girls
Scheme	Technical cooperation, Grassroots technical cooperation (NGOs supporting women and children, e.g. JOICFP)
Japan's contribution (input)	Knowledge of NGOs, etc.
Remark	Due to various agencies involved, the role of each counterpart needs to be clarified.

12.2.7 Niger

(ICT)

N-1	Training for ICT in the judicial sector (Third country training by Rwanda)
Needs	At the regional workshop, there was a high level of interest in learning about IECMS in Rwanda. In Cote d'Ivoire, Senegal, and Niger, e-filing, and e-case management systems have not been introduced nationwide, and it is necessary to visit the courts to access various information. The introduction of e-filing and e-case management will reduce the time and cost of traveling to the courts, which will help speed up the process of trial. E-filing and e-case management will also ensure transparency of information and contribute to the prevention of corruption. Learning about the JusticeHub operated by RBJ, its structure and examples of use, and considering how to develop and apply in each country is beneficial for West African countries.
Support Contents	Training on IEMCS case study in Rwanda Understand the functions of JusticeHub operated by RBJ, and observe examples of its use. Support small-scale pilot projects for system implementation in each country with follow-up cooperation of refresher trainees.
Counterpart	Rwanda Ministry of Justice, RBJ
Beneficiary	Ministry of Justice, Judiciary, NGOs
Scheme	Task-based training, training in third countries
Japan's contribution (input)	Third country training: Cost of sending trainees to Rwanda, cost of training in Rwanda System development support
Remark	The Department of Justice will be responsible for the cost of maintaining the system. The Ministry of Justice will be responsible for the development and maintenance of ICT equipment.

N-2	Call Center Promotion Support Project (Third country training by Cote d'Ivoire)
Needs	Other French-speaking African countries have expressed interest in the call center operated by the Ministry of Justice of Cote d'Ivoire, saying that they would like to learn from the experience of Cote d'Ivoire and develop it in their countries. There is also interest from legal aid offices and paralegal training institutions

	not only in French-speaking Africa but also in English-speaking Africa to refer to the Q&A prepared by the call center.
Support Contents	The project will accept trainees from French-speaking African countries and transfer a series of experiences related to the establishment and operation of call centers, including preparation for the establishment of the centers, training of operators, updating of Q&A, and analysis of incoming calls. The project also provides support for translating the call center's Q&A into English and sharing it with relevant organizations in English-speaking countries as well as French-speaking countries.
Counterpart	Civil and Criminal Affairs Department (DACP), Ministry of Justice, Côte d'Ivoire
Beneficiary	Call center: Judiciary officials from French-speaking African countries English translation of Q&A: Legal aid offices and paralegal training institutions in English-speaking African country
Scheme	Third Country Training
Japan's contribution (input)	Financial and technical support for the implementation and operation of training programs in third countries Call center implementation costs Q&A Translation Cost
Remark	Since it is not easy to obtain a toll-free number, flexible operation combined with free communication tools such as Facebook and WhatsApp will be considered. In addition, in order to ensure sustainability, support will be provided on the premise that the DOJ will be responsible for the maintenance and management costs of the call center equipment and the personnel costs of the operators. In addition, the copyright of Q&A and the scope of sharing should be specified in advance.

(Mobile Legal Clinic)

N-3	Support for mobile legal clinics
Needs	Niger is a vast country with a low population density and a highly mobile nomadic and pastoralist population. The introduction of mobile legal clinics can effectively and efficiently promote awareness of the law and legal counseling to the judicially underdeveloped areas and nomadic and pastoralist populations.
Support Contents	Provide customized trucks for conducting mobile legal clinics to judicial clinics that are not equipped with trucks for mobile legal clinics. Development of teaching materials for legal education and enlightenment activities to strengthen the functions of mobile legal clinics
Counterpart	National Judicial Support and Legal Aid Secretariat (ANAJJ)
Beneficiary	Legal aid agencies including ANAJJ, general public
Scheme	Grant aid, Technical cooperation
Japan's contribution (input)	Track customization, track provisioning Development and utilization of teaching materials for legal education (teaching materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; teaching materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; teaching materials for elementary, junior high, and high school students created by the Ministry of Justice; movies created by the Japan Federation of Bar Associations; legal education materials created by the Fukui Bar Association and the Kyoto Bar Association, etc.)
Remark	It is a condition of the grant that the Department of Justice is responsible for budgeting the cost of truck maintenance and truck fuel.

12.2.8 Senegal

(ICT)

S-1	Training for ICT in the judicial sector (Third country training by Rwanda)
Needs	At the regional workshop, there was a high level of interest in learning about IECMS in Rwanda. In Cote d'Ivoire, Senegal, and Niger, e-filing, and e-case management systems have not been introduced nationwide, and it is necessary to visit the courts to access various information. The introduction of e-filing and e-case management will reduce the time and cost of traveling to the courts, which will help speed up the process of trial. E-filing and e-case management will also ensure transparency of information and contribute to the prevention of corruption.

	Learning about the JusticeHub operated by RBJ, its structure and examples of use, and considering how to develop and apply in each country is beneficial for West African countries.
Support Contents	Training on IEMCS case study in Rwanda Understand the functions of JusticeHub operated by RBJ, and observe examples of its use. Support small-scale pilot projects for system implementation in each country with follow-up cooperation of refresher trainees.
Counterpart	Rwanda Ministry of Justice, RBJ
Beneficiary	Ministry of Justice, Judiciary, NGO
Scheme	Task-based training, training in third countries
Japan's contribution (input)	Third country training: Cost of sending trainees to Rwanda, cost of training in Rwanda System development support
Remark	The Department of Justice will be responsible for the cost of maintaining the system. The Ministry of Justice will be responsible for the development and maintenance of ICT equipment.

S-2	Call Center Promotion Support Project (Third country training by Cote d'Ivoire)
Needs	Other French-speaking African countries have expressed interest in the call center operated by the Ministry of Justice of Cote d'Ivoire, saying that they would like to learn from the experience of Cote d'Ivoire and develop it in their countries. There is also interest from legal aid offices and paralegal training institutions not only in French-speaking Africa but also in English-speaking Africa to refer to the Q&A prepared by the call center.
Support Contents	The project will accept trainees from French-speaking African countries and transfer a series of experiences related to the establishment and operation of call centers, including preparation for the establishment of the centers, training of operators, updating of Q&A, and analysis of incoming calls. The project also provides support for translating the call center's Q&A into English and sharing it with relevant organizations in English-speaking countries as well as French-speaking countries.
Counterpart	Civil and Criminal Affairs Department (DACP), Ministry of Justice, Côte d'Ivoire
Beneficiary	Call center: Judiciary officials from French-speaking African countries English translation of Q&A: Legal aid offices and paralegal training institutions in English-speaking African country
Scheme	Third Country Training
Japan's contribution (input)	Financial and technical support for the implementation and operation of training programs in third countries Call center implementation costs Q&A Translation Cost
Remark	The copyright of Q&A and the scope of sharing should be specified in advance.

(Mobile Legal Clinic)

S-3	Support for mobile legal clinics
Needs	In Senegal, it is possible to expand the scope of activities of justice houses by providing them with mobile legal clinics.
Support Contents	Provide customized trucks for conducting mobile legal clinics to judicial clinics that are not equipped with trucks for mobile legal clinics. Development of teaching materials for legal education and enlightenment activities to strengthen the functions of mobile legal clinics
Counterpart	Direction de la Justice de Proximité et de la Promotion de l'Accès au Droit (DJPPAD)
Implementation agency	Procurement Agency (JICS, etc.)
Beneficiary	Legal aid agencies including Justice house, general public
Scheme	Grant aid, Technical cooperation
Japan's contribution (input)	Track customization, track provisioning Development and utilization of teaching materials for legal education (teaching materials for legal education created by the Japan Federation of Bar Associations: "The Power of Consultation" and "The Power of Proposal"; teaching materials created by the Fukuoka Judicial Scriveners Association: "The Power of Interpretation"; teaching materials for elementary, junior high, and high school students created

	by the Ministry of Justice; movies created by the Japan Federation of Bar Associations; legal education materials created by the Fukui Bar Association and the Kyoto Bar Association, etc.)
Remark	It is a condition of the grant that the Department of Justice is responsible for budgeting the cost of truck maintenance and truck fuel.

12.2.9 Regional Level

(Paralegal) (Eastern Africa)

A-1	Building a platform for legal aid agencies and paralegals in AJS
Needs	In African countries, paralegal initiatives are being implemented in each country, but there is no mechanism to refer to and apply cases from other countries. To improve the effectiveness of community paralegals in the region, there is a need to build a platform that consolidates the best practices and training materials on paralegals from legal aid agencies and community paralegals.
Support Contents	Support for collecting information on each country E-Library of Best Practices for Legal Aid Organizations and Community Paralegals in AJS Compilation of training materials
Counterpart	East African Legal Aid Providers' Network Conference East African and Horn of Africa Paralegal Network Member countries include East Africa and the Horn of Africa region. Member countries include the ministries of justice and NGOs.
Beneficiary	AJS Legal Aid Service Providers and Community Paralegals
Scheme	Technical cooperation projects, Training in third countries
Japan's contribution (input)	Short term experts (For information collection) Introduction of E-library system Sharing mediator course training material
Remark	A new initiative that has been active since 2020. East African Legal Aid Providers' Network Conference is currently considering collaboration with the SADC Legal Aid Network, but collaboration with the African Center of Excellence for Access to Justice (ACE-AJ) is closer in terms of topics and activities.

(Paralegal) (East, South, and West Africa)

A-2	Building a platform on community paralegals
Needs	In African countries, community paralegal initiatives are being implemented in each country, but there is no mechanism to refer to and apply cases from other countries. To improve the effectiveness of community paralegals in the region, there is a need to build a platform that consolidates the best practices and training materials on community paralegals. In the French-speaking part of West Africa, paralegals are not as established as in Southern and Eastern Africa, but they are gradually being institutionalized. The network of paralegals and training materials of the African Center of Excellence for Access to Justice (ACE-AJ) can be effectively used for institutionalization and human resource development of paralegals in French-speaking West Africa. On the other hand, in order to strengthen cooperation between ACE-AJ and the French-speaking countries, it is necessary to translate training materials into French and to secure English and French interpreters for meetings.
Support Contents	Introduction of E-Library of Community Paralegal Best Practices Compilation of training materials and translation into French
Counterpart	African Center of Excellence for Access to Justice (ACE-AJ) Members include paralegal support NGOs in South, East, and West African countries.
Beneficiary	Legal aid service providers who utilize community paralegals.
Scheme	Technical cooperation projects, Training in third countries
Japan's contribution (input)	Introduction of E-library system Sharing mediator course training material Translation of training materials into French English-French interpretation at conferences

Remark	ACE-AJ is a relatively new organization established in 2017.
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(ICT) (East, South, and Western Africa)

A-3	Training for ICT in the judicial sector
Needs	At the regional workshop, there was a high level of interest in learning about IECMS in Rwanda. In Cote d'Ivoire, Senegal, and Niger, e-filing, and e-case management systems have not been introduced nationwide, and it is necessary to visit the courts to access various information. The introduction of e-filing and e-case management will reduce the time and cost of traveling to the courts, which will help speed up the process of trial. E-filing and e-case management will also ensure transparency of information and contribute to the prevention of corruption. Learning about the JusticeHub operated by RBJ, its structure and examples of use, and considering how to develop and apply in each country is beneficial for West African countries.
Support Contents	Training on IEMCS case study in Rwanda Understand the functions of JusticeHub operated by RBJ, and observe examples of its use. Support small-scale pilot projects for system implementation in each country with follow-up cooperation of refresher trainees.
Counterpart	Rwanda Ministry of Justice, RBJ
Beneficiary	Judicial agencies and NGOs in each country
Scheme	Task-based training, training in third countries
Japan's contribution (input)	Third country training: Cost of sending trainees to Rwanda, cost of training in Rwanda System development support
Remark	The Department of Justice will be responsible for the cost of maintaining the system. The Ministry of Justice will be responsible for the development and maintenance of ICT equipment.

(Others) (Western Africa)

A-4	Support for the establishment of regional networks to promote legal consultation and legal aid
Needs	While the challenges impeding access to justice are similar in African countries, the efforts to improve access to justice in each country are diverse. It would be beneficial to improve access to justice by establishing a regular forum for exchanging opinions, discussing the efforts of each country, archiving them, and using them to improve the efforts in their own countries. The role of NGOs in improving access to justice is significant, and building partnerships between the MOJ and NGOs is also important. However, the cost of holding regular meetings, the logistics of the meetings, the archiving of good practices, and the technical and financial support for networking are necessary.
Support Contents	<ul style="list-style-type: none"> • 2-3 web conferences per year • Support for conducting annual face-to-face meetings and site visits (good practices) • Archive of Good Practices • Support for network building
Counterpart	Access to Justice Office, Ministry of Justice of each country Implementing Organization: Network base country (Cote d'Ivoire Ministry of Justice)
Beneficiary	Access to Justice Officers, NGOs, Ministries of Justice
Scheme	Implemented through technical cooperation and dispatch of experts
Japan's contribution (input)	Support for conference costs, archiving of good practices, logistical support for networking
Remark	A person in charge of administrative work will be assigned in Cote d'Ivoire, which will be the base of those activities.