



Factsheet

## Rights – Justice for All

### New Orientation for Civil Society Organisations

#### Civil Society and Access to Justice

In its second phase, the Democratisation, State and Civil Society Programme (Good Governance) supports civil society initiatives in the area of legal aid services. This is a contribution to the national Access to Justice Programme, which aims at providing legal services to poor and marginalised people, in particular to women and children. Since civil society organisations have innovative approaches and make an important contribution to prevent crime at community level, to raise poor and marginalised peoples' awareness for their legal rights as well in the provision of free legal service, civil society is crucial to make the justice system accessible for poor and marginalised groups in the population.

Under the Fifth National Development Plan (FNDP) 2006 to 2010, the national Access to Justice Programme (AtoJ) is one of the priority areas of the Governance Chapter. The AtoJ aims at establishing safety, security and improving access to justice for the people of Zambia. It is expected that access to justice will remain a priority theme in the forthcoming Sixth National Development Plan (SNDP) 2011 to 2015.

The national Access to Justice Programme focuses on improving efficiency and effectiveness of the five Zambian justice sector institutions, which are the Judiciary, Public Prosecutor, Legal Aid Board, Police and Prison Service. Better dialogue and developing of better understanding between the five service delivery institutions and the general public are essential. Civil society plays an important role as facilitator, catalyst and advocate for transparent and accountable procedures in the justice system at national and decentralised level.

In order to increase the dialogue capacity between the formal justice sector institutions, representing the supply side of service delivery and civil society organisations (CSOs), representing the demand side, a mapping exercise of legal aid services provided by civil society organisations was carried out in 2007. This exercise was supported by the Embassies of Denmark, Sweden and GTZ and implemented by the Paralegal Alliance Network

(PAN), UNZA School of Law and the Danish Institute for Human Rights. The aim of the mapping exercise was to explore opportunities for establishing a network of civil society based legal aid service providers (paralegals). Such a network is expected to speak with one voice and be in a stronger position to enter into a fruitful dialogue with the formal justice system. The mapping led to the formation of the Paralegal Alliance Network, which lobbies for a national paralegal policy, presently being drafted in consultation with civil society.



A lawyer from the Legal Resource Foundation is attending to a client at Kabwe Legal Aid Clinic in July 2009

#### Legal Aid through CSOs

Effective October 2009, the Good Governance Programme under its second phase has commenced strategies to support civil society organisations in line with its third **component goal** that reads “**state institutions and civil society organisations – paralegals and paralegal networks – expand their dialogue capacity and their competences in legal aid**”. To this effect, consultations with stakeholders that include the Ministry of Community Development and Social Services (MCDSS), Permanent Human Rights Commission, the

Governance Secretariat in the Ministry of Justice, civil society organisations and the Paralegal Alliance Network were initiated from May to September 2009. This engagement will result of enhanced legal aid services to rural communities through civil society organisations in particular to women and children.

### **Successful Cooperation between State and Civil Society - The Justice for Widows and Orphans Project (JWOP)**

Although the prevailing Zambian laws and policies are to guarantee the equality of men and women, their implementation and enforcement is far from being realised. The majority of women are not aware of existing laws, and not in a position to claim them. They are hindered by negative attitudes of the male-dominated law making and enforcement institutions as well as by society at whole. The Justice for Widows and Orphans Project (JWOP) is a non-governmental organisation registered with the Registrar of Societies. The main objective of the Justice for Widows and Orphans Project is to promote inheritance rights of widows and orphans.

Interestingly, JWOP is a network made up of a number of non-governmental organisations, the Victim Support Unit (VSU) of the Zambia Police and the Department of Social Services of the Ministry of Community Development and Social Services.

In practice, the mandates of the various member organisations complement each other: JWOP organises events during which civil society organisations provide legal aid and psycho-social counselling. The VSU representative takes up cases, which require further criminal investigations or reporting. The MCDSS officers provide assistance to widows and orphans who are entitled to social welfare. The cooperation among these institutions is hands-on and the role of JWOP is to facilitate the collaboration between different institutions and organisations.

The members of the Justice for Widows and Orphans Project state that the unique value of their work is that it provides an avenue for synergies. JWOP creates a setting, which allows the member organisations to expand their outreach. They refer cases to other member organisations. Thereby, the diverging mandates of member organisations ensure that they complement each other. While the National Legal Aid Clinic for Women (NLACW) and the Legal Resource Foundation (LRF) can handle the litigation of cases, the Zambian Younger Women Christian Association (YWCA) is responsible for counselling of victims and the provision of temporary shelter. In contrast, Women in Law in Southern Africa (WLSA) - a regional women rights advocacy organisation - are involved when a case requires the

attention of a wider public and legal advocacy. JWOP assists in facilitating the reference of cases and provides room for collaborative effort through consultation among the different actors.



**Testifying at the tribunal**

The Justice for Widows and Orphans Project and its member organisations enjoy a cordial relationship with the judiciary, the MCDSS and the Zambia Police. All stakeholders involved in the activities of JWOP regard the relation of trust between state and non-state organisations as important condition to fully address the needs of vulnerable groups, such as widows and orphans.

### **Lessons Learnt**

JWOP is successful in bringing the cases of widows and orphans to the attention of civil society and state institutions in their initial stage. However, there is urgent need for follow up once clients have received counselling and have to find their way to law enforcing institutions. JWOP, as a network that aims at linking state- and non-state organisations in the area of justice, could take the lead in establishing a case management system which allows tracking of cases and thus, bridging the weak links between law enforcing bodies and civil society.

### **Way Forward**

The Good Governance Programme will encourage the member organisations of PAN as well as the Police, and the Zambian Prison Service, the Judiciary, the Legal Aid Board and the office of the Public Prosecutor. Good practice and example setting for successful cooperation are required for further outreach. Court user committees, case management systems, which include legal aid providers and paralegal services in prisons, are successful models for enhanced cooperation.

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