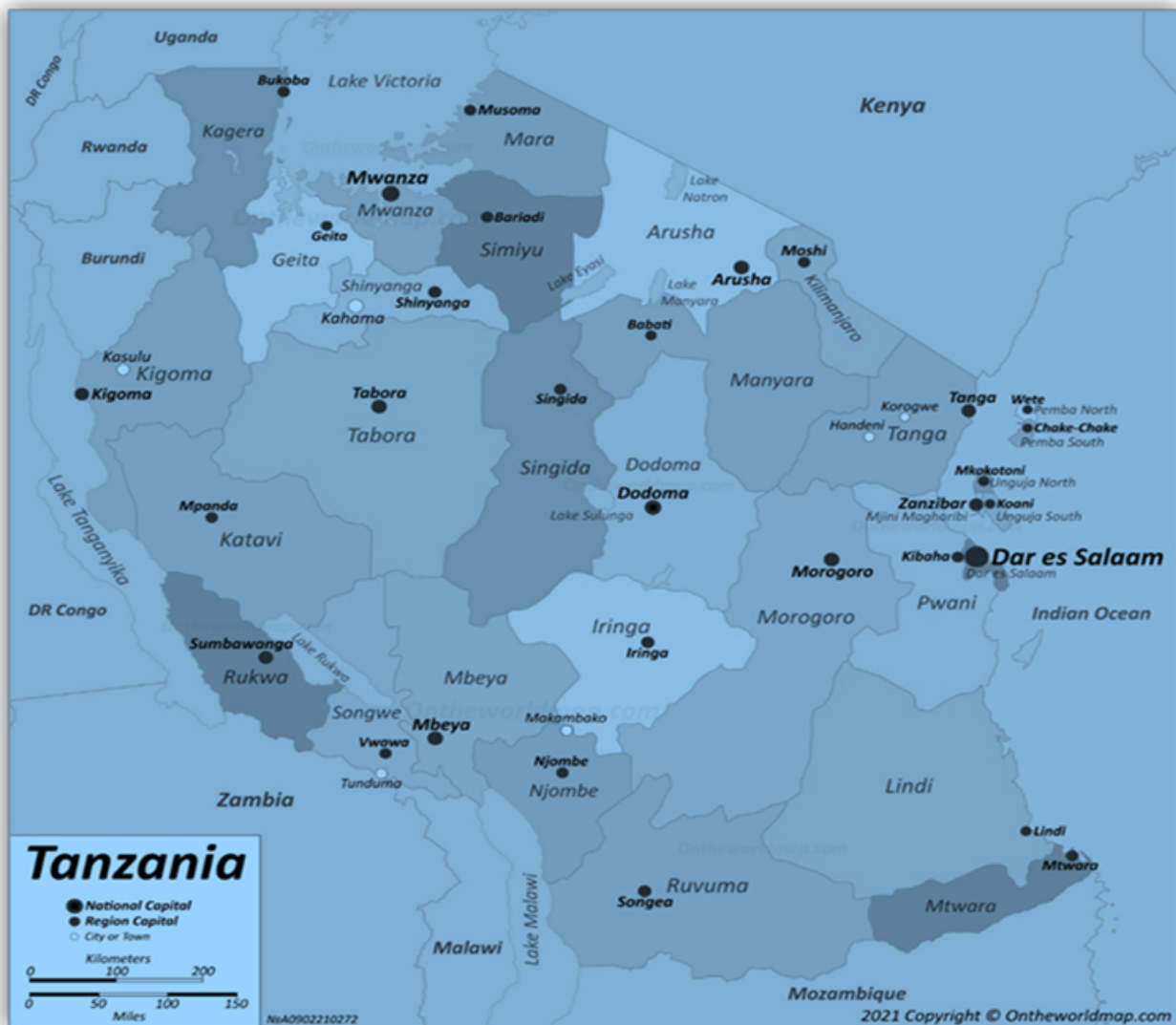


LEGAL AID REPORT- TANZANIA



1. Country Details

Country

The United Republic of Tanzania is a union country between Tanganyika and Zanzibar, located in Eastern Africa. It is bordered by Kenya and Uganda to the North, Rwanda, Burundi, and the Democratic Republic of Congo to the West, and Zambia, Malawi, and Mozambique to the South. The country's eastern border lies in the Indian Ocean which has a coastline of 1,424 km¹.

Area and Population

Tanzania has a total area of 945,087 square kilometers including 61,000 square kilometers of inland water². The total surface area of Zanzibar is 2,654 square kilometers. Unguja, the larger of the two islands has an area of 1,666 square kilometers, while Pemba has an area of 988 square kilometers.

According to the 2022 national census, Tanzania has a population of 61,741,120 (21,544,623 Urban dwellers and 40,196,497 Rural dwellers).³ Male 30,053,130 (10,333,679 Urban dwellers and 19,719,451 Rural dwellers). Female 31,687,990 (11,210,944 Urban dwellers and 20,477,046 Rural Dwellers⁴.

Climate

Tanzania has a tropical-type of climate and is divided into four main climatic zones notably; the hot humid coastal plain; the semi-arid zone of the central plateau; the high-moist lake regions; and the temperate highland areas⁵.

In the highlands, temperatures range between 10°C and 20°C during cold and hot seasons respectively⁶. The rest of the country has temperatures usually not falling lower than 20°C. The hottest period spreads between November and February (25°C - 31°C) whereas the coldest period is often between May and August (15°C - 20°C)⁷.

Culture

Tanzania has been described as one of the most diverse countries in Africa and this is reflected in the fact that there are more than 120 local languages spoken in the country⁸. Swahili is the national language that is widely spoken while English is the official language of education; administration and business.

Economy

Tanzania is a developing country and its economy depends heavily on agriculture. According to the World Bank (WB), the value of Tanzania's GDP at current prices reached USD 75.5 billion in 2022⁹. Tanzania's GDP has maintained its growth momentum, expanding by +4.6%

¹ <https://www.foreign.go.tz/tanzania/category/country>
profile#:~:text=The%20United%20Republic%20of%20Tanzania,a%20coastline%20of%201%2C424%20km/.

² <https://www.foreign.go.tz/tanzania/category/country-profile>.

³ <https://www.nbs.go.tz/index.php/en/>.

⁴ <https://sensa.nbs.go.tz/>.

⁵ <https://www.yieldgap.org/tanzania>

⁶ <https://www.globalsecurity.org/military/world/tanzania/climate.htm>.

⁷ <https://www.foreign.go.tz/tanzania/tanzania-country-profile>.

⁸ *2 ibid*

in 2022, up from +4.3% in 2021. Similarly, according to the IMF, the real GDP growth of Tanzania in 2022 was +4.7%¹⁰.

Poverty line

As of 2022, nearly 26 million people in Tanzania lived in extreme poverty, with the poverty threshold at 1.90 U.S. dollars a day.¹¹ Approximately, in 2022, nearly 100,000 people were pushed into poverty compared to 2021, possibly a remaining effect of the coronavirus (COVID-19) pandemic¹². The headcount was, however, forecast to decrease in the coming years. By 2025, 25.2 million Tanzanians are projected to live on a maximum of 1.90 U.S. dollars per day.¹³

Number of Legal Practitioners

In Tanzania, Legal Practitioners (Advocates) are under the Tanganyika Law Society (TLS) for Tanzania Mainland and Zanzibar Law Society (ZLS) for Zanzibar. The TLS is governed by the Tanganyika Law Society Act, Cap 307 R.E. 2002. TLS has a total of 8514 Practising Members, and 1007 Non-Practising Members. ZLS is governed by the Societies Act No. 6 of 1995 with registration number 89 in the year 1999¹⁴ and has 500 active members.¹⁵

2. Legal Aid Organisation /Authority

The regulatory and overseeing body for the provision of legal aid in Tanzania is the Ministry of Constitutional and Legal Affairs through the Registrar for Legal Aid Provision as provided under the Legal Aid Act, No. 1 of 2017(for Tanzania mainland) and under the Zanzibar Legal Aid Act (Act No. 13 of 2018). The two Acts provide the conditions for the provision of legal aid services for indigents.

In practice, any organizations or institutions claiming to provide legal aid services must comply with the two Acts respectively regardless of their registration status as an institution or organization. Organizations or institutions providing legal aid services or participating in legal aid programmes have diverse natures in Tanzania as listed below both private and government-affiliated institutions/departments.

Legal Aid by Legal Aid Providers

The Legal Aid Act, 2017 sets the qualifications of who may be termed as a legal aid provider under section 10 of the Act. Such qualifications are: the legal provider has to be an institution that is registered under the relevant laws and the provision of legal aid is one of its basic functions.¹⁶ The institution must have permanent office and office facilities plus personnel that consists of not less than two advocates, or one advocate and one lawyer, one lawyer and two paralegals, one advocate, and two paralegals, or three paralegals. The Act further provides that, in case the office lacks an advocate, it must be affiliated to another legal aid provider who has

¹⁰ 9 *ibid*.

¹¹ <https://www.statista.com/statistics/1230404/number-of-people-living-in-extreme-poverty-in-tanzania/>.

¹² <https://www.statista.com/statistics/1230404/number-of-people-living-in-extreme-poverty-in-tanzania/#:~:text=Roughly%20100%2C000%20people%20were%20pushed,1.90%20U.S.%20dollars%20per%20day/>.

¹³12 *Ibid*

¹⁴ <https://www.zls.or.tz/about-us/>.

¹⁵ <https://www.zls.or.tz/about-us/#>.

¹⁶ Under section 10 (3) these requirements are waived in relation to legal aid provided by the Judiciary and the higher learning institutions.

an advocate before its registration.¹⁷ This gives a direct impression that legal aid provision has to be offered by registered offices or institutions.¹⁸

Legal Aid by the Higher Learning Institutions

The legal aid initiative in Tanzania started at higher learning institutions. Other reasons are that higher learning institutions have the duty to give back to society through public service, as these institutions are by all means run by the funds obtained from society. Moreover, schools of law and faculties are staffed with well-experienced legal personnel to tackle complicated legal aid cases. Also, higher learning institutions fit into the legal aid provision as they are part of the legal training in the country (legal aid includes training the society on substantive laws and procedures).¹⁹

Legal Aid by the Judiciary

Under the Legal Aid Act, 2017 the practice of legal aid by the Judiciary has been sustained and extended to all criminal cases as well as civil cases. Moreover, the scope of the “certifying authority” has been extended from Judges and Magistrates to the Chairpersons of quasi-judicial bodies. The adjudicators have been charged with an obligation to ensure that, in any civil or criminal matter, any person who appears to be in need of legal aid and he or she has insufficient means to obtain such aid, he or receives legal aid for the interests of justice.²⁰ Under the Advocates Act’ remuneration for taking up legal aid cases as assigned by the Judiciary comes from the Judicial Fund.²¹

Legal Aid by Non-Governmental Organizations (NGOs) and Civil Society Organizations

These are initiatives to complement the government’s efforts in ensuring access to justice is obtained in the country. Most of these legal aid providers are donor funded and interact with the community at the grass root level. Each of them has its mission and vision as well as specially targeted groups most of them are coordinated by the Tanzania Network of Legal Aid Providers (TANLAP). After the enactment of the Legal Aid Act, 2017 and following the legal development brought by the Written Laws (Miscellaneous Amendments) (No.3) Act 2019, all organizations which were not registered in the NGO Act, were required to register under such law and change their status from Civil Society Organizations to Non- Governmental Organizations to continue to provide legal aid services. They are also required by the law to register under the Ministry of Constitutional and Legal Affairs and are regulated by the Registrar for legal aid provision.

Legal Aid by the Paralegals

A paralegal is a non-lawyer, with at least a secondary education or without a secondary education but has served as a paralegal for more than two years,²² who receives legal training

¹⁷ Section 10 (1) and (2) of the Legal Aid Act,

¹⁸ Section 24 of the Legal Aid Act.

¹⁹ Temu Goodluck, “The Place and Role of Higher Learning Institutions in the Provision of Legal Aid in Tanzania” in Zanzibar Year Book of Law, Volume 5, 2011, pages 311,313 and 314

²⁰ Section 27 and 33(10) of the Legal Aid Act.

²¹ Section 33 (3), *ibid*.

²² Section 19 (1) and (3) of the Legal Aid Act.

to deliver legal assistance at the grass root level of the community.²³ This group of legal aid providers are not allowed to practice law since they do not hold such qualifications nor are they allowed to charge fees for the legal assistance provided to indigent persons.²⁴

Provision of legal aid services by mandated stakeholders

As a LAP, The Tanganyika Law Society (TLS) is the Bar Association of Tanzania Mainland, founded in 1954 by an Act of Parliament – the Tanganyika Law Society Ordinance 1954.²⁵ The Tanganyika Law Society is currently governed by the Tanganyika Law Society Act, Cap 307 R.E. 2002²⁶. The Bar has 68 years of advancing justice and the rule of law in the country. The Bar has 8514 practicing members and 1007 non-practicing members²⁷. Members who are assigned to provide legal aid services to clients are compensated by the Bar in terms of transport fees.

In Zanzibar, Zanzibar Law Society is a non-profit organization registered by the Register of Society as per the Societies Act No 6 of 1995 with registration number 89 in the year 1999 to provide legal aid services to indigents. The Bar has 500 active advocates to provide legal aid services.

In Tanzania Mainland, there are about 435 registered Legal Aid Providers to provide legal aid services to indigents. In Zanzibar, the newly established Legal Aid Department has so far registered more than 117 Legal Aid Providers in both Unguja and Pemba²⁸.

Since the enactment of the Legal Aid Act in 2017, a total of 4790 Paralegals were trained and 1073 registered and licensed to provide legal aid services in mainland Tanzania. Since the enactment of the Zanzibar Legal Aid Act, of 2018, 370 Paralegals trained, and 258 were registered and licensed to provide legal aid services to indigents.²⁹

The provision of legal aid services in Tanzania is a mix of Paralegals and advocates. Paralegals may provide legal aid services in accordance with the Legal Aid Act including (a) carrying out educational programmes in national or local languages on legal issues and procedures of concern to the community; (b) assisting aided person in the procedures to obtain necessary legal documents; (c) guiding an aided person to a proper forum or to access justice; and (d) advising the conflicting parties to seek amicable settlement or referring them to dispute settlement institutions³⁰. Advocates have a duty to provide legal advice to clients, draft legal or court documents, and represent clients in the courts.

The Legal Aid Act (2017) and the Zanzibar Legal Aid Act (2018) stipulate for free provision of legal services to indigents. The compensation for individuals providing legal aid services depends on the area of work. Lawyers, Advocates, and Paralegals are providing legal aid services for free but the majority of them are working under NGOs that have employed them and sometimes are remunerated or compensated for the costs incurred

²³ Mauya Felister, “Improving Access to Justice in Tanzania: The Role of Paralegals,” Zanzibar Year Book of Law, Volume 2, 2012, page 407 citing Ishengoma Angela K., Report on the Legal Reform Process for the Recognition of Paralegals in Tanzania, Dar es Salaam: Friedrich Ebert Stiftung, 2011, page 2.

²⁴ Section 20 (5) & (6) of the Legal Aid Act

²⁵ Tanganyika Law Society Ordinance 1954.

²⁶ Tanganyika Law Society Act, Cap 307 R.E. 2002

²⁷ <https://tls.or.tz/>.

²⁸ Legal Aid Database System - LADS

²⁹ The Speech of Hon. Dr. Damas Ndumbaro- Minister of Constitutional and Legal Affairs in Tanzania during the launching of Mama Samia Legal Aid Campaign in Dar es Salaam in February 2023

³⁰ Ibid, Section 20.

in the provision of legal aid services to clients such as transport costs. The Bar Associations have their own arrangement to compensate Advocates who are assigned to provide legal aid services. Individuals providing legal aid services within government facilities are employees of such government institutions who are paid salaries on a monthly basis.

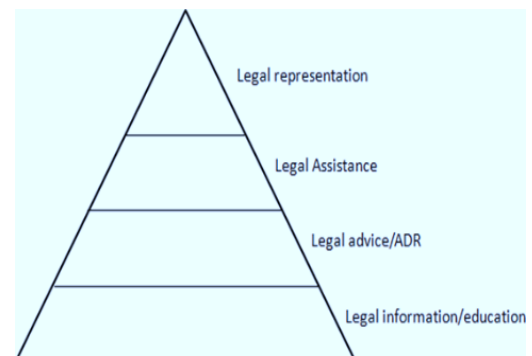
3. Budget and Spend:

In Tanzania legal aid is provided in collaborated efforts, justice stakeholders from different institutions (state and non-state actors) have been mobilizing resources and allocating budgets within their institutions to provide legal aid. Previously and after the enactment of the Legal Aid Act, 2017 in Tanzania there is no legal framework for legal aid funding. Unlike other Legal Aid Laws from other jurisdictions, Tanzanian law does not establish a legal aid fund for legal aid. In practice, funding for legal aid services is from Government institutions, Local and International development partners.

The development partners fund projects relating to access justice through legal aid services include but not limited to UKAID, United States Agency for International Development, European Union, Terre des Hommes, Stephen Lewis Foundations, Swedish International Development Cooperation Agency, Canadian International Development Agency, Danish International Development Agency through LSF, Department for International Development, GIZ, World Bank, Embassy of Ireland, Ford Foundation, Well Spring Foundation, African Women Development Fund. Others include PACT Tanzania, Action Aid Tanzania, and World Vision, just to mention a few. Most of the financial support given to LAPs is not for legal aid services only but for the programs including but not limited to gender equality, good governance, and election monitoring and observation.

4. Scope, Caseload, and Eligibility:

In Tanzania, the Legal Aid Act has adopted the pyramid principle by identifying legal aid priorities and activities. Section 3 of the Act defines legal aid services. Accordingly, “legal aid services” Include the provision of legal education and information, legal advice, assistance or legal representation to indigent persons³¹.



In regard to the principle of non-discrimination, the Legal Aid Act has specific provisions that prohibit and create offences for acts that constitute discrimination. Section 44 of the Act provides as follows:

- (1) Subject to the provisions of this Act, no legal aid provider, advocate, lawyer or paralegal shall provide legal aid on the basis of discriminating aided person on his gender, religion, race, tribe or political affiliation.

³¹ Section 3 of the Legal Aid Act (2017).

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction be liable to a fine of not less than five million shillings but not more than ten million shillings or to imprisonment for a term not less than six months but not more than twelve months or both.

The Act further grants power to the Registrar to cancel the certificate of registration of the service provider who is believed to do acts constituting discrimination. S. 16 (3) (f) of the Act provides as follows:

16(3)(f) the registrar may cancel the certificate of registration of a legal aid provider if he is satisfied that a legal aid provider has discriminated aided person in terms of gender, religion, race tribe or political affiliation.

The Legal Aid Act has expanded the scope of the provision of legal aid to cover all cases of indigent persons (both civil³² and criminal³³ cases). With the enactment of the Legal Aid Act, the scope of provisions of legal aid to the accused persons has comparatively expanded, as compared to the time before the advent of this law. In particular, legal aid to an accused person in a criminal case may now be provided by:

- (i) an application by the accused person for legal aid to any registered legal aid provide;³⁴ or
- (ii) the court where the presiding magistrate or judge is of the view that the accused person is indigent or it is in the interest of justice for him to be granted legal aid³⁵.

Additionally, where an accused person is in police custody or in a prison facility, the Police Force or Prison Service, as the case may be, is obliged to ensure that such person receives legal aid. In terms of Section 36 (1) of the Legal Aid Act, the two law enforcement institutions are obliged to ‘designate a mechanism for facilitating the provision of legal aid services by legal aid providers³⁶ to the accused or convicted persons in custody in the manner to be prescribed in the Regulations.’³⁷

Moreover, under Section 35, the Legal Act extends the provision of legal aid to children in conflict with the law. In particular, this provision obliges a person with the duty of supervising the welfare of the child, to cause a child who comes into conflict with the law to obtain legal aid “immediately” after such person comes into contact with such child. This provision is constantly progressive and reflects the international law guarantees to which a child in conflict with the law is entitled when he or she comes into conflict with the law³⁸.

In terms of the individual who received legal aid and legal education in Tanzania, available statistics indicate that between July 2021 and March 2022 improvements in access to justice in

³² Sections 27-32 Legal Aid Act, No. 1 of 2017.

³³ Sections 33-36 Legal Aid Act, No. 1 of 2017.

³⁴ Sections 21-26 of Legal Aid Act, No. 1 of 2017

³⁵ Ibid sections 33-36 of Legal Aid Act, No. 1 of 2017.

³⁶ Of late, the two law enforcement agencies have trained paralegals, who are also police and prison officers, so that can provide legal aid to accused persons who come into contact with these agencies.

³⁷ In terms of Section 36(2), the Regulations envisaged in subsection (1) of Section 36(1) are to be made in consultation with the minister responsible for home affairs

³⁸ See particularly Article 17 of the African Charter in the Rights and Welfare of the Child (ACRWC); and Article 40 of the UN Convention on the Rights of the Child (CRC).

the country, particularly through enhanced availability of legal aid services, have benefitted 1,455,566 people (529,079 women, 514,051 men and 412,436 children) all of whom received these vital services directly. This is an increase of 1,133,124 people which is 351 percent compared to 322,442 people who accessed legal aid services between July 2020 and March 2021.³⁹ On legal education around 7,007,641 (Male 3,188,020 and female 3,819,621) benefited from legal education from 2021 and 2022.⁴⁰

5. Quality Assurance:

In Tanzania, the Legal Aid Act has established a number of offices for purposes of quality assurance and to provide support services to legal aid providers while they effectively engage in the provision of legal aid services. Such structures include,

National Legal Aid Advisory Board.

The National Legal Aid Advisory Board is established under Section 4 of the Legal Aid Act.⁴¹ Its main functions are to provide policy guidance to legal aid providers, to advise the Minister responsible for justice on policy and other matters relevant to the provision of legal aid in the country, to approve the annual reports of legal aid providers, to determine appeals from the decisions of the Registrar of Legal Aid, and to perform any other function as may be directed by the Minister responsible for justice.⁴²

The Registrar of Legal Aid

The Legal Aid Act has established the office of the Registrar of Legal Aid,⁴³ which is responsible for legal aid matters in the Ministry responsible for legal affairs.⁴⁴ The main functions for the Registrar of Legal Aid are, inter alia, to register legal aid providers;⁴⁵ to investigate complaints of malpractice, negligence, misconduct or disobedience amongst legal aid providers;⁴⁶ to suspend or cancel registration of legal aid providers;⁴⁷ to keep and maintain the Register of Legal Aid Providers;⁴⁸ and to inspect any legal aid provider's office with the view of satisfying himself on the type and quality of the legal aid services offered.⁴⁹

Other functions of the Registrar are to take appropriate measures for promoting legal literacy and legal awareness among the public and, in particular, to educate vulnerable sections of the society about their rights and duties under the Constitution and other laws;⁵⁰ to coordinate and facilitate the formulation and accreditation of the curriculum for the training of paralegals in the consultation with legal aid providers, education and training accreditation bodies;⁵¹ and

³⁹ Speech of Hon. Damas Ndumbaro- Minister of Constitutional and Legal Affairs during Parliamentary session in Dodoma, May 2023.

⁴⁰ Ibid 41.

⁴¹ Ibid Section 4

⁴² Section 5(1)(a)-(e)

⁴³ Ibid Section 6(1)

⁴⁴ Ibid Section 6(2)

⁴⁵ Ibid Section 7(1)(a)

⁴⁶ Ibid Section 7(1)(b).

⁴⁷ Ibid, Section 7(1)(c).

⁴⁸ Ibid, Section 7(1)(d).

⁴⁹ Ibid, Section 7(1)(e).

⁵⁰ Ibid, Section 7(1)(f).

⁵¹ Ibid, Section 7(1)(g).

coordinate, monitor and evaluate the functions of legal aid providers and give general and specific directions for the proper implementation of legal aid programmes.⁵²

In addition to the foregoing structures, the Legal Aid Act vests power in the Permanent Secretary, in the Ministry responsible for legal affairs, to designate public officers at the Regional and District levels for the purposes of registration of legal aid providers at these levels. As of now, Assistant Registrars of Legal Aid have been designated and fully functional in their respective areas of jurisdiction.

By establishing such structures and offices, the Legal Aid Act has ensured that there are effective administrative infrastructures put in place to provide support services to legal aid providers while they effectively engage in the provision of legal aid services. This means that now legal aid providers at all levels of government functioning and in all parts of the country are provided with such support services as registration, coordination, training, and monitoring, which ensure that their legal aid provision functions are discharged effectively and without any unnecessary administrative bottlenecks.

In Tanzania, anybody wishing to provide legal aid services must comply with the Legal Aid Act. This is a mandatory requirement obliging the Registrar of Legal Aid to make available Register for Legal Aid Providers to any interested or prospective legal aid providers and paralegals.⁵³ Unlike before, the enactment of this law is now for an entity to be registered as a legal aid provider or as a paralegal, as the case may be, such entity or paralegals must possess prerequisite qualifications.⁵⁴

6. Public Legal Education:

The law provides for public legal education and the responsibility to provide it is vested to the registrar of legal aid service under the Ministry of Constitutional and Legal Affairs who collaborates with all justice stakeholders to make sure that public legal education is provided in the country. For example, in February (Dar es Salaam) and in April 2023 (Dodoma), the Tanzania government in collaboration with justice stakeholders launched the campaign known as Mama Samia Legal Aid Campaign which will be implemented across the country for three years. This campaign's strategic output focuses on providing human rights education, fighting gender-based violence, resolving conflicts through alternative dispute resolution mechanisms, and building the capacities of both people and institutions engaged in the provision of legal aid services.

The campaign will also probe how these services can be sustainably available by establishing a special legal aid fund into which the government and other partners will direct financial resources to facilitate the nationwide provision of the services.

It has been named after the efforts of President Samia Suluhu Hassan to focus on human rights, the rule of law, obedience to the law, and constitutional as well as legal education for the public.

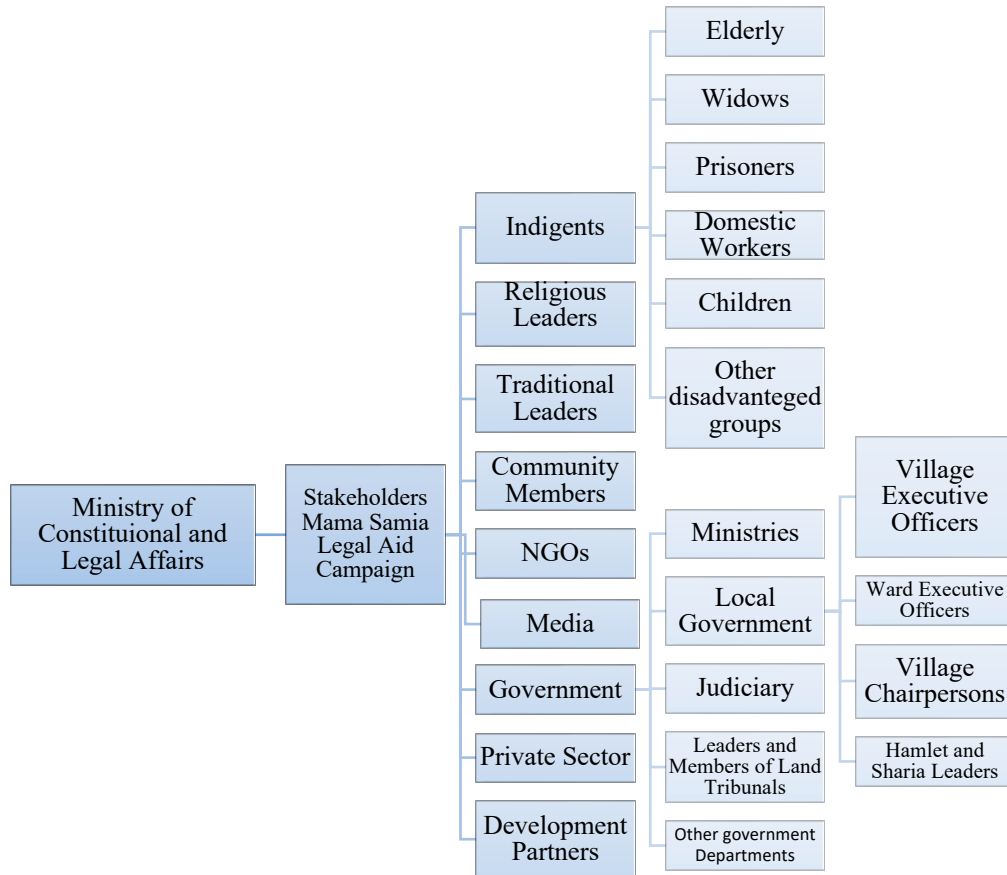
The campaign was officially launched by Hon. Kassim Majaliwa Majaliwa- Prime Minister of the United Republic of Tanzania and will be coordinated by the Ministry of Constitutional and

⁵² Ibid, Section 7(1)(h).

⁵³ Ibid, Section 19(4).

⁵⁴ Whereas the conditions precedents for an entity to qualify as a legal providers are set out in Section 10 of the Legal Aid Act, the preconditions for registration as paralegal are set out in 19 thereof.

Legal Affairs (MoCLA) in collaboration with Legal Aid Providers and Paralegals. The slogan of the campaign is “Unite with Mama Samia to oppose cruelty, respect the dignity of your fellow, and protect your neighbour’s child; let’s build a country with dignity, honor, and peace”⁵⁵. The campaign aimed to reach a number of stakeholders for three years including but not limited to stakeholders identified below.



The Mama Samia Legal Aid Campaign is expected to cost a total of TZS 52,651,589,000.⁵⁶ The proposed budget will cover main four areas which are training and meetings, building partnership and community mobilization, awareness and public legal education, and coordination, monitoring and evaluation⁵⁷ as summarized below.

⁵⁵ <https://dailynews.co.tz/samia-legal-aid-campaign-implementation-soon/>.

⁵⁶ See page 30 of the Booklet- Jamhuri ya Muungano wa Tanzania- Wizara ya Katiba na Sheria (Mama Samia Legal aid Campaign 2023-2-25) Dodoma, February 2023.

⁵⁷ Ibid 56

MAMA SAMIA LEGAL AID CAMPAIGN STRATEGIC AREAS
AND ESTIMATED BUDGET (2023-2025)

TZS 52,651,589,000



Before the enactment of the Legal Aid Act, the Legal Aid Secretariat was given the power to promote legal literacy and legal awareness by conducting National Legal Aid Week.⁵⁸ After the enactment of the Act, the power to create literacy and legal awareness is left with the Registrar of legal aid providers and he is required to take appropriate measures for promoting legal literacy and legal awareness among the public and, in particular, educate vulnerable sections of the society on their rights and duties under the Constitution and legal obligations. In this regard, the Office of the Registrar in collaboration with other stakeholders have been conducting legal aid week in different regions every year in order to promote legal literacy and legal awareness among the public and in particular educate vulnerable sections of society about their rights and duties under the Constitution and other laws. For the past five years, Legal Aid Week coordinated around September as a national campaign for legal aid services and public legal education to community members. The campaign is normally organized from the community level to the national level which has been involving national launching and closing events.

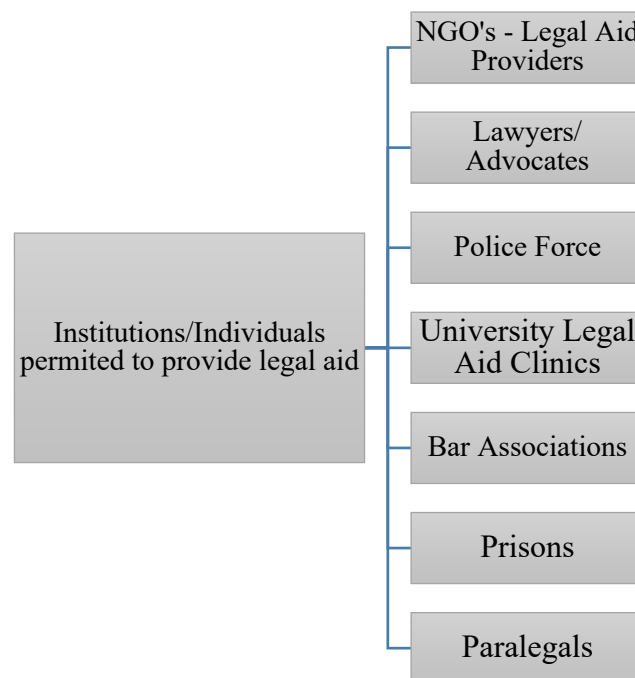
Regarding the use of Information and Communication Technology introduced to enhance access for the public, there are a number of initiatives in Tanzania. Non- Governmental Organization like TANLAP through its members has established free mobile numbers for the public to call and receive legal aid or legal education depending on the nature of their issues. Legal Services Facility has also improved the delivery of legal aid services with the introduction of the *Haki Yangu* mobile application which links more than 1,000 paralegals in the trajectories of legal aid provision.⁵⁹

⁵⁸ Legal Aid Secretariat, “Concept Note: Assessing Tanzania’s Criminal Legal Aid System and Making Recommendations for Improvements and Reforms” The International Legal Foundation (ILF) New York, 2014 pg.10.

⁵⁹ <https://www.thecitizen.co.tz/tanzania/supplement/lsf-s-milestones-in-promoting-access-to-justice-and-legal-aid-services--4180322/>.

7. Alternative Sources of Legal Aid services:

In Tanzania, the provision of legal aid services is stipulated under the law. No other arrangements as alternative sources of legal aid services. Any institutions or organizations under the law are required to provide legal aid services to indigents. Provision of legal aid without a certificate is a crime punishable under the law. Institutions or organizations permitted to provide legal aid services are in terms of Legal Representation; Legal Assistance, Legal Advice, and Legal Information/Education highlighted below.



Legal aid activities that may be executed by a specific legal aid institution will depend on the law regulating that institution and its constitution. Section 10 reads in part as follows;

“An institution shall not be registered as a legal aid provider unless it has the following qualifications

- (a) it has been registered under the relevant laws
- (b) the provision of legal aid services is one of its core functions”⁶⁰

The Legal Aid Act does not provide an excuse for alternative sources of legal aid services outside the Law and contrary to that is punishable.

8. Holistic legal services:

In Tanzania, legal aid services are provided to the community in various ways which include,

- a. Legal Education which involves raising public awareness of the basic legal concepts including human rights, legal systems, and existing complaints mechanisms i.e.

⁶⁰ This should be read together with section 11(1) which requires an application for registration of a legal aid provider to be accompanied by copy of the constitution of the institution or any other document establishing the institution.

courts system which is provided through media programs and other means of communication.

- b. Legal Advice: Include provision of qualified legal opinion and resolution of the small-scale dispute at their emergency. In this stage, legal aid providers intervene the situation by providing necessary information to the clients or intervening in the situation by supporting parties involved in a dispute to settle their differences amicably. Legal advice or counselling involves the provision of information to individuals, groups of people, or communities on various available solutions to their problems.
- c. Legal Assistance: Involves the provision of qualified professional legal services to a person in need of such service. It involves the preparation of the legal documents or initiation of the claims which in the end forms part of the formal legal proceedings. As part of legal assistance, LAPs support their clients by issuing a qualified legal opinion or writing various documents such as demand letters or letters of intent to initiate legal proceedings, drafting legal documents according to the prescription of the laws, i.e. plaint, written statements of defense, rejoinder, written submission etc.
- d. Legal representation: Involves litigating cases in the adjudication forums such as courts of law or established tribunals. Some of the established LAPs provide representation services to their clients with the intention of assisting them in defending their cases before these tribunals. LAPs who provide these services are those with individuals enrolled and practicing as advocates.

In terms of holistic legal aid services in Tanzania, the United Nations Population Fund through its implementing partners and the Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDEC), opened a One Stop Centre (OSC) at Mwananyamala Hospital, Kinondoni District, Dar es Salaam, the twelfth of its kind to be established across the country.⁶¹ The One OSCs are intended to promote a survivor-centered approach to violence against women, creating a supportive environment in which a survivor's rights are prioritized and where she is treated with dignity and respect. At OSCs, healthcare, legal assistance, and psychosocial support services are available under one roof, a result of strengthened collaboration between different service delivery actors at the community and national level.⁶² The National Plan of Action to End Violence against Women and Children (NPA-VAWC) 2017/2018-2021/2022 sees the government commit to cut violence against women and children in half by 2022. UNFPA and its partners are supporting the government in its implementation. Plans are already in place to establish additional OSCs at other locations in Tanzania to reach the target of 26 as set out in the NPA-VAWC.⁶³

9. UN SDG Standard 16.3

Following the adoption of the SDGs by the General Assembly in 2015, Tanzania has mainstreamed the Agenda into National Development Plans as overarching goals, with specific

⁶¹ <https://tanzania.unfpa.org/en/news/one-stop-centres-facilitating-comprehensive-and-ethical-care-survivors-gender-based-violence/>.

⁶² Ibid 62

⁶³ One Stop Centres: Facilitating comprehensive and ethical care for survivors of gender-based violence. 6 March 2019.

reference to strengthening the governance institutional frameworks, including calling for strong adherence to and respect for the rule of law. The Government of Tanzania (GoT), second Five Year Development Plan (2016-2021), and the Revolutionary Government of Zanzibar-MKCUZA III 2016- 2012, in alignment with Tanzania Development Vision 2025 and Zanzibar Vision 2020, prioritize inclusive economic growth whilst promoting social well-being and good governance for all citizens (leaving no one behind).

To monitor the agenda, the National Bureau of Statistics (NBS) together with the Ministry of Finance and Planning (MoFP), conducted a national baseline and produced a status report in 2017 with a view to domesticating and localizing the SDGs. Specific to SDG 16.3 (promote the rule of law at the national and international levels to ensure equal access to justice for all), the URT has since 2016 undertaken extensive institutional and legal reforms in making justice institutions effective in the delivery of services and in ensuring that justice is accessible to a greater proportion of the population. (SDG 16.3)

Tanzania has made significant strides toward enhancing its justice system. The construction of integrated justice centers, comprising lower and higher courts, state attorneys' offices, and human rights defenders' NGOs, serves as a one-stop centre for citizens seeking legal redress. Furthermore, the judiciary has leveraged digital tools such as virtual court sessions and e-filing systems to increase transparency and improve citizens' access to justice. The judiciary has also increased the number of mobile courts that can reach many people throughout the country. In February 2022, the Chief Justice of Tanzania, Prof. Ibrahim Hamis Juma, stated that 866 cases were heard by mobile courts in 2021.⁶⁴

In a bid to make courts easily accessible, the Interpretation of Laws Act was amended in 2021 to make Kiswahili the language of the law in Tanzania. In April 2022, the Government disclosed that 214 laws had been translated into Swahili in the form of the first draft in the period of July 2021 to March 2022.⁶⁵ Additionally, In April 2022, the Minister of Constitutional and Legal Affairs announced that several Judiciary projects, including the construction of court buildings in various regions, were being implemented. This included the completion of court buildings in Katavi, Lindi, and Dodoma, the ongoing construction of Resident Magistrate Courts in Tabora and Songwe, and District Courts in several districts.⁶⁶ In November 2022, the Chief Justice inaugurated Same and Mwanga District Courts in Kilimanjaro.⁶⁷ There is also been a release of detainees whose cases lack evidence has been prioritized, promoting the protection of fundamental freedoms.⁶⁸

In 2016, the Judiciary designated 130 primary courts as Juvenile Courts which expanded access to justice for children from one functional juvenile court on Tanzania mainland.⁶⁹ The

⁶⁴ HOTUBA YA JAJI MKUU PROF. IBRAHIM HAMIS JUMA SIKU YA SHERIA NCHINI, DODOMA, TAREHE 2 FEBRUARI, 2022, at <https://media.tanzlii.org/files/speeches/2022-02/HOTUBA%20YA%20MHE.%20JAJI%20MKUU%20PROF.%20IBRAHIM%20HAMISI%20JUMA-%20SIKU%20YA%20SHERIA%20TAREHE%2002.02.2022-.pdf>.

⁶⁵ HOTUBA YA WAZIRI WA KATIBA NA SHERIA, MHESHIMIWA DKT. DAMAS DANIEL NDUMBARO (MB), WAKATI AKIWASILISHA BUNGENI MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA KWA MWAKA WA FEDHA 2022/2023, at [https://www.sheria.go.tz/uploads/speeches/docs/sw1652253918HOTUBA%20YA%20BAJETI%20YA%20WIZARA%20YA%20KATIBA%20NA%20SHERIA%20KWA%20MWAKA%20WA%20FEDHA%202022%20-%202023%20\(2\).pdf](https://www.sheria.go.tz/uploads/speeches/docs/sw1652253918HOTUBA%20YA%20BAJETI%20YA%20WIZARA%20YA%20KATIBA%20NA%20SHERIA%20KWA%20MWAKA%20WA%20FEDHA%202022%20-%202023%20(2).pdf)

⁶⁶ Ibid

⁶⁷ "CJ to launch Mwanga, Same district courts" The Guardian Newspaper, 15 Nov 2022.

⁶⁸ RAIS SAMIA AAGIZA UPELELEZI UFANYIKE KABLA YA KUWEKWA MAHABUSU" Michuzi Blog, 30 Aug 2022, at <https://issamichuzi.blogspot.com/2022/08/rais-samia-aagiza-upelelezi-ufanyike.html>.

⁶⁹ <https://www.lrct.go.tz/uploads/documents/sw-1665650968-LRCT%20STRATEGIC%20PLAN.pdf>.

designation of new Juvenile Courts reduces pre-trial periods, enhances the concept of best interests of the child, and is poised to minimize violations of children’s rights. The enactment of the Legal Aid Act (2017) and Legal Aid Regulations (2018) has significantly improved access to justice for all including women, children, and other disadvantaged groups under the principle of Leaving No One Behind.

The introduction of mobile courts is one of the interventions proposed in the Judiciary Strategic Plan 2016/2017 to 2020/21 whose initial funding has been secured. Acting in this spirit, on 20th May, 2016 the Government allocated TZS 12.3 billion to the judiciary, solely for renovating court buildings and ensuring the provision of working tools for effective and smooth functioning of the Courts. This will largely impact positively in terms of keeping up and maintaining a conducive working environment for the dispensation of justice.

10. Other

Most innovative project 2021-2022

At the national level, the most innovative project in 2021 and 2022 was *Mwanamke Imara* (empowered Women) Project to enhance access to justice for marginalized communities. TANLAP and members organizations, which are KWIECO, WiLDAF, and TAWLA have continued to implement the project known as *Mwanamke Imara* project in Mbeya, Njombe, and Kilimanjaro under USAID support. The project innovatively focuses to address violence against women and youth through improving access to justice, amplifying voices in leadership roles, and economic empowerment.

Most disappointing trend in 2021-2022

The most disappointing trend in Tanzania 2021-2022 is the shortage of funds to support legal aid services due to the impact of COVID-19. Due to COVID-19, development partners changed their priorities and focusing supporting projects addressing the health-related impact of COVID-19.

Biggest challenge for 2023

The laws provide for equality before the law. There are, however, some discriminatory laws, such as inheritance and marriage laws, which discriminate against women. The government has frequently spoken out against discrimination against girls and women and has implemented several programs to promote gender equality. Gender-based violence is prevalent.

Something about Covid-19 effects

When the COVID-19 pandemic reached Tanzania in March 2020, the government introduced the same protective measures that were imposed in many other countries. From January 2020 to February 2022, COVID-19 confirmed cases were 32,920 with 778 deaths, reported to WHO.⁷⁰ As of March 2023, 48,848,520 vaccine doses were received, only 39,187,358 were

⁷⁰ World Health Organization (2019). Considerations in adjusting public health and social measures in the context of COVID-19: Interim guidance. 16 April 2020.

used, and 32,735, 546 individuals received vaccines.⁷¹ Furthermore, from July 2022 to March 2023, the average of COVID-19 cases has been 302 per month without any death compared to the average of 1557 cases and 43 deaths per month in 2021 up to June 2022.

According to data from the Bank of Tanzania, the government's budget was hardly affected by the COVID-19 pandemic. Revenue collection in 2019 and 2020 remained within the set targets. The World Bank estimates that the fiscal deficit narrowed in 2019/20 to 1.4% of GDP due to increased domestic revenue collection and lower expenditures, especially in development spending. However, the COVID-19 pandemic caused a reduction in domestic revenue in 2020. Thus, the fiscal deficit is expected to widen to 2.6% of GDP in the 2020/21 financial year.⁷²

⁷¹ www.moh.go.tz/.

⁷² <https://bti-project.org/en/reports/country-report/TZA/>.



4th Floor, Sky City Mall, Plot No. 400/1&3, Block A, Mlalakuwa.
P.O. Box 33856, Dar Es Salaam, Tanzania.
Email: tanlaptz@gmail.com
info@tanlap.or.tz
Website: www.tanlap.or.tz



@tanlaptz



TANLAP TZ



TANLAPTANZANIA