

PARALEGAL FORUM

At ZANZIBAR OCEAN VIEW HOTEL

June 3rd – 4th, 2014

Legal Empowerment for Community Justice

Speech by Chief Justice, High Court of Zanzibar

Fund Manager, Legal Services Facility

Ladies and Gentlemen

It is my great honor to be given this opportunity to launch this paralegal forum held here in Zanzibar, I am aware that I have been given this honor in a special way despite the fact that I am a board member of LSF. Therefore whatever I am going to speak here comes from my experience as a Chief Justice and a board member of LSF. Also as a Chief Justice I know very well the importance of paralegals that is why when I was asked to launch the forum I didn't hesitate to respond to the invitation, as a chief justice this is part of my work.

Ladies and Gentlemen

Let me start by congratulating all of you for your good job that you have been doing through LSF support. It is a well done job because you are doing it on voluntary basis and we believe you instrumental of justice at grass root level.

Also I would like to take this opportunity to congratulate and thank Legal Services Facility for a good job, for its three years of existence it has impacted a lot in our communities. You (paralegals) are the witnesses of what I am saying.

Ladies and Gentlemen

Why LSF and other stakeholders are insisting on the access to justice of poor community (needy people).

It is reported that billions of people around the world suffer from injustices because they lack affordable means of access to justice. Access to justice has been very expensive for most of poor communities as most of them cannot afford to hire lawyers and no mechanism put in place by government to help out. Tanzania is not out of the situation, a lot of poor people suffer the same problem of access justice because most of them cannot use laws to advance their rights.

Ladies and Gentlemen

Why embarking on Legal Empowerment for Community Justice

Legal empowerment of the poor is seen to be one of the curative methods of peoples' inability to use existing laws to solve their daily injustice problems and realize their rights¹. Legal empowerment can be understood as the process of systemic change through which the poor are protected and enabled to use the law to advance their

¹ International Development Law Organization-IDLO, 'Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment' (IDLO) Viale Vaticano, 106 00165 | Rome | Italy, 2013. pg 8

rights². Legal empowerment is rooted in human rights based approach as it recognizes that every individual must have access to justice, including due process, justice and remedies and that action must be taken to eliminate discrimination. Legal empowerment strategies (legal aid, legal literacy and alternative dispute mechanism) can be successfully used to improve people's access to justice in both formal and informal **systems**³. In enhancing legal empowerment a bottom-up approach need to be put in place so that to have impact. Use of community based paralegals is one way of bottom-up approach.

Ladies and Gentlemen

In solving this problem community based mechanisms are one of the best methods of achieving access to justice in our communities, paralegals are one of the community based mechanism that has proved success in achieving justice in poor communities. Paralegals are so unique in intervening daily justice problem because they use a combination of legal and non-legal tools likes advocacy, education and mediation.

Ladies and Gentlemen

Paralegal are very important in achieving community justice because they are closer to people than lawyers which means they are more aware of the surrounding problems. Through paralegals justice is much guaranteed to be done on time than the used formal

² United Nations, General Assembly, Legal Empowerment of the poor and eradication of poverty, Sixty-fourth session Item 58 of the preliminary list, July 2009

³ OP cit page 8

justice. Also community based paralegal system is much empowering to people who are served because of the education they receive from paralegals.

Ladies and Gentlemen

Also paralegals if work effectively in helping communities solving their daily justice problem it will help to reduce the backlog of cases in courts. It is a known fact that our courts are overloaded with cases which in turn it causes delay of justice. Therefore having paralegals in place it will reduce backlog of cases because all cases that can be resolved by paralegals will not go to courts.

Ladies and Gentlemen

Allow me to end here for today and I wish you all the best in your commitment, have a fruitful forum. and work hard in the promotion of access to justice of our needy people.

Thank you all for the attention