

# SOUTHERN AFRICAN LEGAL ASSISTANCE NETWORK



## ACCESS TO JUSTICE IN SOUTHERN AFRICA

### ADVOCACY FOR RECOGNITION OF PARALEGALS AS PROFESSIONALS IN SADC REGION: SALAN'S POSITION PAPER

## 1.0 Introduction;

This paper is the position by SALAN on the importance of recognising Paralegals as professionals in SADC region in order to increase access to justice to the marginalized South Africans. The paper highlights the origin of paralegals, objectives, the current status of paralegals, important issues for consideration in so far as paralegals are concerned, the benefits which will be acquired after recognizing paralegals as well as SALAN's request.

## 2.0 Brief explanation about SALAN

Southern African Legal Assistance Network (SALAN) was initiated in 1994. It is a network of 15 non-profit, non-governmental organizations in 9<sup>1</sup> Southern African countries that advocates for the rights of the poor, disadvantaged and marginalized through: providing legal services, engaging in public legal education, participating in law reform and policy change, undertaking public interest litigation.

**The vision of SALAN is to continue to be an active Network which influences changes in legal and human rights policy and practice towards the Southern Africa where justice for all becomes a reality and rule of law is upheld in SADC region.**

## 3.0 Origin of Paralegals and their importance

Paralegals have been working in the region of Southern Africa since the 1980's. They play a crucial role in providing free services to the marginalised, significantly assisting them to realise their rights and protect them from violations. However, paralegals have worked primarily outside, but on the edge of the legal system, employed or sponsored by NGOs, performing a very important function. They often work in co-operation with the authorities but are unrecognised by the law.

In SADC region paralegal is not a profession. For a person to have legal access she/he has to hire a lawyer (private advocate) whose fees are very high. Alternatively, a poor person can visit a nearby legal aid clinic (if any). However, there are very few legal aid clinics in Southern Africa which most of them are located in urban centres. There are very few lawyers who are there to represent clients let alone the issue of fees.

Paralegals are very useful to work among communities to assist poor people to access justice. A Paralegal can be defined as;

*'A non-lawyer possessing the relevant skills and training to provide legal advice and assistance applicable to the People s/he is serving.'*<sup>2</sup>

Paralegals are engaged and active within the communities within which they live and work and that with a basic level of knowledge and skills they are able to assist and direct people in relation to the law. Their activities include informing detainees and communities about their rights, drafting simple legal document or representing clients before quasi-judicial bodies.

The Legal systems and the state of the Rule of Law in the countries of the SADC region are not uniform. The constitutional and legal systems in the region vary from country to country. But certainly, they do have a number of things in common. Issues relating to justice and the rule of law have certain universal characteristics, which are present in one form or another in every jurisdiction that is, or is claimed to be, democratic. For instance, issues of legal representation are Universal. A

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<sup>1</sup> Tanzania, South Africa, Malawi, Mozambique, Zambia, Zimbabwe, Namibia and Botswana

<sup>2</sup> An agreed definition of Paralegals from An African Conference on Access to Justice, held in Kigali Rwanda on 1-4 December, 2008 facilitated by East African Law Society

person whose case is before the Court of Law must either be in person or be represented by an advocate.

Legal procedures and technicalities are very cumbersome for a common man to understand and comprehend. There are lot of legal jargons in Courts which a common man can never understand. The pleadings (plaints, written statements of defence, affidavits, written submissions and other applications) to be submitted to Court must be drawn by a legal expert. Therefore paralegals act as paraprofessionals to assist clients to draft those documents as well as assist clients in lower courts.<sup>3</sup>

#### **4.0 The Right to Fair Representation – Human Rights Instruments**

It is one of the fundamental human rights for a person to be fairly represented in case his/her rights are being determined before the court of law. This right has been documented in various international instruments which most of SADC countries have signed and ratified; so they are bound to comply with. For instance the Universal Declaration of Human Rights, 1948 Article 8 which provides,

*“...Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”* Furthermore, Article 10 provides further that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

The African Charter on Human and Peoples Rights Provides in its article 7 as follows;

*‘...Every individual shall have the right to have his cause heard. This comprises:*

- 1. The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;*
- 2. The right to be presumed innocent until proved guilty by a competent court or tribunal;*
- 3. The right to defence, including the right to be **defended by Counsel of his choice**;*
- 4. The right to be tried within a reasonable time by an impartial court or tribunal...’*

Another African Instrument Providing for Access to justice and court representation is the Protocol on the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol). Its article 8 states as follows;

#### ***“... Access to Justice and Equal Protection before the Law***

*Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:*

- a) effective access by women to judicial and legal services, including legal aid;*
- b) support to local, national, regional and continental
  - a. initiatives directed at providing women access to legal*
  - b. services, including legal aid;**
- c) the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitize everyone to the rights of women;*
- d) that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;*
- e) that women are represented equally in the judiciary and law enforcement organs;*

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<sup>3</sup> In Zanzibar for instance, a paralegal can appear in Primary Court. They are referred to as ‘*Vakils*’

- f) *Reform of existing discriminatory laws and practices in order to promote and protect the rights of women.....”*

Taking into account women are the majority in Africa, access to legal aid and legal representation is very significant as the Protocol provides. Therefore, we urge SADC to adopt a specific protocol on paralegals and legal aid to enable more marginalised African Men and Women to Access Justice without difficulty.

The UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, adopted by the United Nations General Assembly in December, 2012, are the first international instrument to deal with legal aid and paralegals are recognized.<sup>4</sup> Guideline 14 states and i quote;

‘...**Paralegals and other legal aid providers:** ...states should “recognize and encourage the contribution of lawyers’ associations, universities, civil society and other groups and institutions in providing legal aid.” Guidelines 1, 5, and 13 develop these further, encouraging states to involve other actors in the provision of legal aid, including paralegals and law students..’

## **5.0 Status of Paralegals in SADC Region**

As of now paralegals work as independent volunteers who are being trained by Non Governmental Organisations in each individual organisations. Few SADC countries like Zambia have gone further to develop National Curriculum where paralegals are trained up to a diploma level.

The situations and circumstances for paralegals in the region are diverse: none of the SADC countries have officially recognised the paralegal profession. In the majority of the eight countries paralegals lack formal, standardised curricula and cannot have their qualifications accredited. In four of the eight countries in which SALAN has been operating<sup>5</sup>, the relationship with the legal profession is challenging, as the law societies are sceptical about the role of paralegals, and they fear their competition in the field of legal services. The SALAN member organisations have been championing the work and training of paralegals in their respective countries for over 15 years now (since 1998).

The following is brief information about what SALAN members have been doing so far as developing paralegals in their respective countries is concerned.

### **South Africa**

South Africa has far more lawyers than other countries in the region. However, the majority of people are prevented from receiving legal advice and legal representation because of the high attorney fees. Different tertiary institutions offer formal training for paralegals, and their certificates and diplomas are officially recognised by the South African accreditation authority. There used to be a National Community-Based Paralegal Association (NCBPA) as well as a National Paralegal Institute (NPI). These both collapsed. In 2009, government has published a policy paper, which recognises the important role of paralegals and advice offices in enhancing access to justice. There is thus fertile ground for the further development of the paralegals’ status; however, the recognition progress is being hindered by the legal profession’s negative attitude towards independent paralegals.

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<sup>4</sup> <http://www.opensocietyfoundations.org/fact-sheets/un-guidelines-and-principles-access-legal-aid-criminal-justice-systems>

<sup>5</sup> Tanzania, Botswana, Namibia, Zimbabwe, Zambia, Malawi, South Africa and Mozambique

Paralegals in South Africa are not formally recognised and are accordingly not subject to institutional oversight of any kind. The result of this that there is no unanimously agreed definition of the term 'paralegal'.<sup>6</sup> Various organisations have attempted to delineate which persons can be classified as paralegals and which cannot however much disagreement remains. The effect of this is that the term paralegal covers a large number of occupations that typically involve some aspect of legal work without having the requisite qualifications to enter the formal legal profession.<sup>7</sup> This includes, for example, employment in the private sector,<sup>8</sup> including giving legal advice to financial institutions and private corporations. It also includes work in the public sector, such as working for the department of justice or giving advice to local and provincial government bodies.

### **Are they recognized by constitution**

Paralegals are not recognized by the constitution of South Africa but are included in the Legal Services Charter of 2007 as stakeholders.

Currently the community Advice Office Sector is self regulating. As of yet no policies have been in place to regulate the sector.

Although Community Advices Offices are not recognized in the Legal Practice Bill they are registered and NPO in terms of the NPO Act of 1997

On the 28 May 2013, NADCAO together with the National Task Team on Community Based Paralegals and supported by Adv Anil Naidoo made an oral submission to the Portfolio Committee on Justice and Constitutional Development. Rather than featuring paralegals in the Legal Practice Bill. The committee committed to prepare a report that will accompany the Bill and that will argue for a legislative framework to be developed for the regulation of paralegals.

Non recognition in the Legal Practice Bill is likely hinder the funding opportunities CAOs but them being recognized in the NPO ACT means CAO can still fundraise for funding.

This report will focus on the role of paralegals in advancing the achievement of social justice in South Africa. In this regard paralegals are involved principally, although not exclusively, in Community Advice Offices (CAOs)<sup>9</sup> and Legal Aid Institutions.<sup>10</sup>

This report will cover the following areas: the role of paralegals in the South African legal system; education and training of paralegals; recognition and integration of paralegals into formal legal structures; remuneration and security of tenure for paralegals.

### **The Role of Paralegals**

As mentioned above the type of work done by paralegals is exceptionally broad covering a wide variety of tasks. It has been recognised however that paralegals play a crucial role in the justice system in a number of ways and that without such people access to justice, especially for the poor, would be substantially diminished.<sup>11</sup> South Africa has a great number of lawyers in the formal sector however these services are beyond the means of many South Africans due to the high costs associated

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<sup>6</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 1.

<sup>7</sup> Typically as either an attorney or advocate.

<sup>8</sup> See for example the list available on *Intec College's* website:

[http://www.intec.edu.za/live/content.php?Item\\_ID=172](http://www.intec.edu.za/live/content.php?Item_ID=172) as well as the *South African Law School's* website: <http://www.lawschool.co.za/graduate-employment/>. A list of potential occupations for paralegals is also set out by the Black Sash in a manual on *Paralegal Skills and Establishing an Advice Centre* this is available at: [http://www.paralegaladvice.org.za/docs/16\\_full.html](http://www.paralegaladvice.org.za/docs/16_full.html).

<sup>9</sup> See the website of *The National Alliance for the Development of Community Advice Offices* at: <http://www.nadcao.org.za/index.php>.

<sup>10</sup> See the website of *The Association of University Legal Aid Institutions* at: <http://www.aulai.co.za/>.

<sup>11</sup> National Alliance for the Development of Community Advice Offices *Regulations* <http://www.nadcao.org.za/regulations.html>.

with such advice.<sup>12</sup> Paralegals are therefore key to the attainment of social justice in a number of ways: First, for many South Africans, legal assistance is far *more accessible* through paralegals than it is through the formal sector. This is the case for a number of reasons. In one instance, it is more accessible *physically*. This is especially the case for those living in rural areas; formal legal assistance is located too far away for convenience. Assistance provided by paralegals however is often much easier to reach. Many paralegals work out of CAOs and Law clinics that are situated with the intention of being within reach of those that require such services.

In another instance, such assistance is more accessible *financially*. As detailed above, the cost of formal legal advice is often an insurmountable barrier to legal assistance. The advice provided by paralegals however often much cheaper if is not provided free of charge.

In a final instance, such assistance is more accessible *socially*. It is noted by the Black Sash<sup>13</sup> that people, especially those living in rural areas, sometimes find it difficult to find a lawyer that is sympathetic to their plight. This leads to a sense of intimidation that stifles further attempts to get legal advice. Paralegals on the other hand are in many cases much closer to the community in which they work if not members of the community themselves. The Black Sash emphasise consultation with the community when establishing advice offices.<sup>14</sup> Furthermore Professor Bodenstein<sup>15</sup> notes that many paralegals have established community projects and, as such, have earned the respect of their community. From this foundation, paralegals they are often much better suited to assisting such people, especially where they share a common background and language with people seeking legal advice.

Second, paralegals at many CAOs are involved in educational programs that facilitate knowledge of the law and human rights.<sup>16</sup> The Black Sash<sup>17</sup> also emphasise that one of the core functions of a CAO is to run “educational workshops” for the community. It is widely recognised that community education projects are a vital element of efforts to achieve social justice.<sup>18</sup> Education, leading to a greater knowledge of the law and one’s rights, empowers people with a greater ability to defend themselves from potential abuses as well as to be able to accord their own behaviour with the limits prescribed by law. Through the above, education becomes a powerful tool that may be used to *avoid* costly legal disputes.<sup>19</sup>

It is noted that paralegals, given their ties to the community, are “uniquely placed to fulfil [a] role as facilitators” in such educational programmes.<sup>20</sup> Professor Bodenstein notes that while a number of

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<sup>12</sup> Black Sash *Paralegal Skills and Establishing an Advice Centre* [http://www.paralegaladvice.org.za/docs/16\\_full.html](http://www.paralegaladvice.org.za/docs/16_full.html).

<sup>13</sup> Black Sash *Paralegal Skills and Establishing an Advice Centre* [http://www.paralegaladvice.org.za/docs/16\\_full.html](http://www.paralegaladvice.org.za/docs/16_full.html).

<sup>14</sup> Black Sash *Paralegal Skills and Establishing an Advice Centre* [http://www.paralegaladvice.org.za/docs/16\\_full.html](http://www.paralegaladvice.org.za/docs/16_full.html).

<sup>15</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 34.

<sup>16</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 31-2.

<sup>17</sup> Black Sash *Paralegal Skills and Establishing an Advice Centre* <http://www.paralegaladvice.org.za/docs/chap16/06.html>.

<sup>18</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 30.

<sup>19</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 31.

<sup>20</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 33.

CAOs are engaging in such educational programmes this is an area that could be developed in the future.<sup>21</sup> Greater emphasis on community education by paralegals will greatly promote the achievement of social justice.

Third, paralegals are in an excellent position to use alternative dispute resolution procedures such as negotiation and mediation. The Black Sash<sup>22</sup> notes that skills in both negotiation and mediation are important tools for paralegals. Such methods of resolving disputes are often cheaper and quicker than most formal legal procedures, especially court procedures. Furthermore, they often allow for disputes to be resolved more harmoniously.

Fourth, services provided by paralegals do not exclude the opportunity of using formal legal structures where appropriate. Professor Bodenstein reported that 80% of paralegals that responded to a survey stated that they refer cases to the formal legal sector.<sup>23</sup> It is therefore an important role of paralegals to, effectively, 'screen' cases and only refer clients to formal legal processes where appropriate.

Fifth, paralegals often engage in the provision of state services. CAOs are in an excellent position to assist people in "overcome[ing] red tape and bureaucratic deficiencies hampering the provision of state services."<sup>24</sup> This is a vital role of paralegals given the reliance of many South Africans on the provision of government services such as pension and disability grants.

Paralegals have a deep understanding of the issues that affect communities and they provide assistance in an empathetic and empowering manner.

They assist clients in their own language and in a manner that is not intimidating. Paralegals are also skilled in demystifying complex language and jargon. They are able to relate to the plight of their clients and understand the impact of issues facing them.

Paralegals are trusted by their local communities because of their independence.

Furthermore, Paralegals have a long track record of providing information, advice and legal services to communities, which is locally available and offered in a manner that is free.

It is doubtful that government can extend the reach of free legal services to the whole of South Africa, especially in deep rural areas. So without the Paralegal, communities would not receive legal advice or assistance.

Paralegals provide a vital point of access for many people who have no other institutional support, therefore they provide an extension to the current service provision by institutions like Legal Aid South Africa, Universities law clinics and private law firms and other institutions.

Paralegals are allowed to accompany clients to CCMA and bargaining councils as observers and may represent their clients at the discretion of the commissioner.

There are 320 Community Advices Offices, with approximately 500 Community Based Paralegals located nationally. Each office deals with approximately 30 to 50 cases per month. This makes a total number of 16,000 clients per month.

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<sup>21</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 33.

<sup>22</sup> Black Sash *Paralegal Skills and Establishing an Advice Centre*  
<http://www.paralegaladvice.org.za/docs/chap16/06.html>.

<sup>23</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 50.

<sup>24</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 36.

## Education and Training of Paralegals

The definition of a paralegal set out by the Black Sash<sup>25</sup> stipulates a number of requirements; one of these is that the person must have been accredited as such. Defining paralegals by their qualification however presents a number of problems. The Wits Justice Project<sup>26</sup> recognises that many people are acting as paralegals and are doing important legal work in their communities despite not having formal qualifications. Professor Bodenstein also notes that there are paralegals in CAOs who during the 1980s “started their careers as activists.”<sup>27</sup> Furthermore, Professor Bodenstein’s research indicated that very few paralegals that responded to the survey had a recognised Diploma or Certificate.<sup>28</sup> A strict definition of a paralegal that requires a formal qualification would therefore not reflect the true state of affairs in South Africa where a number of people are doing the work of paralegals and identify them as such. The reality is that the term paralegal should be seen as broad category, reflecting a varied and diverse number of people.

## Criteria for identifications

Community Based Paralegals (PARALEGAL) are located within the communities CAO’s who have the working knowledge of law and procedures and skilled in conflict resolution and mediation procedures.

Paralegals have the commitment, attitude and skills to help people in communities with legal, human rights administrative, constitutional and developmental problems, while at the same time empowering them to tackle the issue on their own in the future.

## Level of Education and Standard of Training:

Paralegals have been trained by various educational institutions, developmental organizations and government departments on specialized areas of need and capacity building. This includes accredited and not accredited training towards Certificates and national diplomas in Paralegal Studies.

A National Working Committee has been established to work on the standardization of Paralegal training

On this backdrop it is difficult to assess the exact educational requirements of paralegals. There has nevertheless been a trend to increase emphasis on education as a prerequisite for entering the field. Prior to its closure, for example, the National Paralegal Institute (NPI) managed to get two paralegal qualifications registered with the South African Qualifications Authority (SAQA).<sup>29</sup> Since then two more qualifications have been recognised by SAQA.<sup>30</sup> Of the four qualifications currently listed on the SAQA website only two have institutions that are accredited to provide the requisite training. The first of these is a Diploma in paralegal studies and only the University of *Kwa-Zulu Natal* is an

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<sup>25</sup> Black Sash *Paralegal Skills and Establishing an Advice Centre*  
<http://www.paralegaladvice.org.za/docs/chap16/06.html>.

<sup>26</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 1.

<sup>27</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 25.

<sup>28</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 62.

<sup>29</sup> National Alliance for the Development of Community Advice Offices *Regulations*  
<http://www.nadcao.org.za/regulations.html>.

<sup>30</sup> South African Qualifications Authority *Registered Qualification and Unit Standards*  
<http://regqs.saqa.org.za/index.php>.



accredited provider of this course.<sup>31</sup> The second is a National Certificate in paralegal practice, which currently has 28 accredited providers.<sup>32</sup>

There are also a number of institutions that offer paralegal qualifications that are not accredited with SAQA. Some of these do have sector accreditation with, for example, the Safety and Security Sector Education and Training Authority (SASSETA) but this is not necessarily the case. Overall the extent to which such courses are accredited by recognised bodies varies widely and must be looked at on a case-by-case basis.<sup>33</sup>

It was noted by the Wits Justice Project<sup>34</sup> that many of the courses available are costly and therefore unavailable to numerous people wishing to become paralegals or to existing paralegals wishing to get an accredited qualification. It was further noted that such courses are “not always geared towards community paralegals.”<sup>35</sup> The Black Sash has however developed a manual to assist paralegals and, although it is free and informative, it does not cover all of the training requirements of an accredited paralegal course.<sup>36</sup> It has accordingly been argued by a number of stakeholders that it should be the responsibility of government to provide “reasonably-priced training.”<sup>37</sup>

Overall it is clear that the current educational framework is in disarray. There are a number of unknowns including the number of practicing paralegals and their current skill levels.<sup>38</sup> Professor Bodenstein<sup>39</sup> has recommended research be conducted to ascertain a complete database of providers of paralegal training and that issues of minimum qualifications be addressed.

### **Recognition and integration into formal legal structures**

As indicated above, paralegals are not subject to any prescribed minimum standards.<sup>40</sup> Over and above this, since the closure of the National Community-based Paralegal Association (NCBPA) and

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<sup>31</sup> South African Qualifications Authority *Diploma: Paralegal Studies*

<http://regqs.saqqa.org.za/viewQualification.php?id=72880>.

<sup>32</sup> South African Qualifications Authority *National Certificate: Paralegal Practice*

<http://regqs.saqqa.org.za/viewQualification.php?id=49597>.

<sup>33</sup> At the time of writing the following institutions offer paralegal courses that are not accredited by SAQA:

The South African Law School: <http://www.lawschool.co.za/courses/national-certificate-paralegal-practice.htm>

The South African School of Paralegal Studies: <http://www.paralegalstudies.co.za/>

Damelin College: <https://www.dcc.edu.za/content/docs/D10016%20Paralegal.pdf>

Intec College: [http://www.intec.edu.za/live/content.php?Item\\_ID=172](http://www.intec.edu.za/live/content.php?Item_ID=172)

University of Johannesburg:

<http://www.uj.ac.za/EN/Faculties/law/coursesandprogrammes/Documents/Paralegal%20Studies%2011%20web.pdf>

\*Note: This is not an exhaustive list\*

<sup>34</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 3.

<sup>35</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 3.

<sup>36</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 3.

<sup>37</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 3.

<sup>38</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 60.

<sup>39</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 63.

<sup>40</sup> National Alliance for the Development of Community Advice Offices *Regulations* <http://www.nadcao.org.za/regulations.html>.

the NPI there has been no regulatory authority in place to ensure accountability of paralegals. Furthermore, paralegals have not been recognised as a profession.<sup>41</sup> The closest form of institutional oversight in this sector is the National Alliance for the Development of Community Advice Offices (NADCAO). NADCAO is a non-profit company comprised of a number of member organisations and aims to strengthen the CAO sector.<sup>42</sup>

Early drafts of the Legal Practice Bill (the Bill) provided for the recognition of paralegals but with subsequent revisions this recognition was removed. Given the important role that paralegals play in the justice system, as outlined above, NADCAO has taken steps to see the re-inclusion of paralegals into the Bill. The Minister of Justice and Constitutional Development has however announced that a separate regulatory framework will be created for the recognition of paralegals.<sup>43</sup>

The recognition and regulation of the paralegal sector have been acknowledged as important steps in ensuring people receive a reliable service from practitioners that are accountable.<sup>44</sup> This process is however hampered by the recognition that paralegals represent a diverse range of legal practitioners. The problems with defining this group, recognised above, make it incredibly difficult to bring it within a single regulatory framework.<sup>45</sup> Paralegals vary widely across a number of aspects including: type and nature of the work they do; the level of qualification attained; where they work and whom they work for.

The South African Law Society has also voiced these similar concerns. It has argued that there would be a danger of people receiving inaccurate advice from people that are inexperienced or who have not been properly accredited.<sup>46</sup> Professor Bodenstein<sup>47</sup> has however argued that:

“[s]uch views often appear to be based on the preservation of self-interest, ignorance and a total disregard of rights to access of justice of the majority of South Africans who have been subjected to systematic social and economic inequality and injustice. Paralegals have had to endure the double ignominy of lack of recognition and of professional respect.”

The Wits Justice Project<sup>48</sup> has similarly argued for the benefits of recognising the paralegal profession noting that:

“community paralegals could have a significant financial impact on the criminal justice system, through savings associated with reducing heavily-loaded court rolls; improving the

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<sup>41</sup> National Alliance for the Development of Community Advice Offices *Regulations*

<http://www.nadcao.org.za/regulations.html>; Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 4.

<sup>42</sup> The Atlantic Philanthropies (2013) *Case Study: Joining Forces for the Poor: Alliance Building for Social Justice in South Africa* <http://www.atlanticphilanthropies.org/learning/case-study-joining-forces-poor-alliance-building-social-justice-south-africa>.

<sup>43</sup> National Alliance for the Development of Community Advice Offices *Regulations* <http://www.nadcao.org.za/regulations.html>.

<sup>44</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 3.

<sup>45</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 4.

<sup>46</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 4.

<sup>47</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 60.

<sup>48</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 4.

granting of bail, where appropriate; and providing an avenue for alternative dispute resolution and mediation.”

At present it seems that formal recognition of paralegals as a profession as well as minimum standards of education and accountability will not be incorporated into the Legal Practice Bill. Therefore, while there is a commitment from government to achieve this, it will be some time before this happens.

For the present however, there has been minor recognition of paralegals in the Legal Services Sector Charter in 2007.<sup>49</sup> The most important aspect of this recognition is that the Government has committed itself to provide regulation for community paralegal practitioners.<sup>50</sup> This document also notes that a single regulatory body should be created to represent both legal and paralegal practitioners.<sup>51</sup>

### **Remuneration and Tenure**

Recognition and regulation of paralegals have also been regarded as important steps toward giving paralegals security of tenure as well as ensuring that they are remunerated appropriately. Both Professor Bodenstein<sup>52</sup> and the Wits Justice Project<sup>53</sup> recognise the importance of adequate remuneration and security of tenure for the morale of paralegals as well as reducing rates of staff turnover. It is also noted that paralegals do not usually have the time or capacity to pursue administrative tasks such as recording cases and finances; this negatively affects opportunities to get funds from donors or the government.<sup>54</sup>

Setting basic rates of remuneration for paralegals and approved financing structures for CAOs however come with additional problems. This is especially the case where the profession is unregulated and there is no way of assessing whether people meet minimum standards. This reinforces the need for a considered approach to the recognition and regulation of paralegals as a part of the legal profession.

Paralegals in South Africa represent a diverse and unregulated group. There are currently many people practising as paralegals with very different levels of experience and qualifications. It is accordingly a difficult task to recognise this group in such a way that people are not unduly excluded and without being over inclusive. It is nevertheless recognised that there are great benefits that will come from recognition and regulation of this sector. Not only will clients benefit from more reliable advice and accountable practitioners but also paralegals themselves will likely benefit from greater security of tenure, better standards of remuneration and, critically, recognition of the important role they play in achieving social justice. Although there is pessimism from some sectors of the legal fraternity regarding the recognition of paralegals, it is submitted that paralegals are already playing a vital role in the South African justice system and there would only be benefits from such recognition if it is done in a thorough and considered manner. Ultimately therefore, greater research needs to be conducted in a number of areas regarding paralegals before such decisions can be made.

### **Tanzania Mainland and Zanzibar**

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<sup>49</sup> Legal Services Sector Charter (2007) [http://www.justice.gov.za/LSC/LSSC\\_Dec%2007.pdf](http://www.justice.gov.za/LSC/LSSC_Dec%2007.pdf).

<sup>50</sup> Legal Services Sector Charter (2007) [http://www.justice.gov.za/LSC/LSSC\\_Dec%2007.pdf](http://www.justice.gov.za/LSC/LSSC_Dec%2007.pdf) page 9.

<sup>51</sup> Legal Services Sector Charter (2007) [http://www.justice.gov.za/LSC/LSSC\\_Dec%2007.pdf](http://www.justice.gov.za/LSC/LSSC_Dec%2007.pdf) page 12.

<sup>52</sup> J Bodenstein (2006) *Report on the State of Community-Based Paralegal Advice Offices in South Africa* page 40.

<sup>53</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 2.

<sup>54</sup> Wits Justice Project (2013) *Justice for Breakfast: Community Paralegals in South Africa 13 February 2013 Outcome Report* <http://www.scribd.com/doc/126716096/Justice-for-Breakfast-Community-Paralegals-in-South-Africa-Outcomes-Report-February-2013> page 2.

Tanzania Mainland and Zanzibar considers paralegals as volunteers and do not recognise them as professionals (though there is an exception in so far as Zanzibar paralegals is concerned). There are no formal curricula nationally, but different organisations do have their own curricula.

Paralegal system in Tanzania started in the early 1990's after the failure of the State to provide legal aid service to all citizens who are in need of it. The failure of the State to guarantee its people different developmental programs such as health and education led to immense poverty. Citizens could make ends meet and their very existence as human beings is totally threatened, hence many of them frustrated and disappointed with unchanging daily life turn to conduct petty and serious crimes. Frustrations become the source of violence including gender violence and other types of human rights abuses. Therefore many poor and ignorant people were and still are caught by the law while they cannot afford to hire legal counsel to represent them in Court and hence they turn up to the State which is obliged under the Constitution to provide these poor people with legal assistance.

Besides there is lack of adequate financial resources by the State, there is also the issue of availability of trained legal personnel. For instance there are only 3000 advocates in Tanzania until August, 2011. This exponential growth in numbers is encouraging but still remains low when viewed against the estimated Tanzanian population of 45 million people. This accentuates the need for the formal introduction and recognition of paralegals to provide basic legal services, especially to citizens based in rural communities.

By recognizing the fact that the State is incapable of providing legal assistance and service to all poor sections of the Tanzanian society, a number of Organizations and Institutions have come up with the variety of programmes to assist indigent people with legal problems.

Similar to State, the said Institutions also cannot afford to cater all the poor accused at their disposal. They also have limited number of lawyers available to them. For that reason, each Institution or Organization has set up its own eligibility criterion for providing legal assistance such as gender only (mainly women), means test earnings capacity of the clients and subject test, the type of cases adopted by the Organization. These Organizations include: Women's Legal Aid Centre (WLAC), Legal and Human Rights Centre (LHRC), Tanzania Women Lawyers Association (TAWLA), Women Advancement Trust (WAT-Human Settlement), Tanzania Women Volunteering Association (TAWOVA), Tanzania and Environmental and Human Rights Care Organization (ENVIROCARE), just to mention a few<sup>55</sup>

There is a Network of paralegals known as Tanzania Paralegal Network (TAPANET). This is a network of all Paralegals in Tanzania. TAPANET is a long form of Tanzania Paralegal Network. It is a registered entity with effect from 12th October, 2010 with Certificate of Incorporation Number 79180. This Network started way back in 2005 during the Paralegal Symposium which was coordinated by a feminist organization known as Women's Legal Aid Centre (WLAC).

The roles of the Network include:

- The Network be an instrument for all paralegals for information and experience sharing on women's and children rights
- Capacity building for paralegals in Tanzania
- Advocacy for recognition of paralegals in Tanzania
- To have a legally and uniform system of recognizing paralegal work in Tanzania<sup>56</sup>

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<sup>55</sup> <http://www.wlac.or.tz/intro.php>

<sup>56</sup> <http://www.wlac.or.tz/tapanet.php>

Neither the Constitution, nor the legislations accept paralegals as professionals. However, the Legal and Human Rights Centre is in the Secretariat of drafting a legal Aid Law which it is expected that it will recognize paralegals.

### Zanzibar

#### Who is a Paralegal in Zanzibar?

A Paralegal is a non-lawyer volunteer trained in subsidiary legal matters whose main role is to provide legal services to communities surrounding them<sup>57</sup>.

#### **Criteria for identification & Level of Education for Zanzibar Paralegals**

- i) The applicant must have at least Form Four Certificate.
- ii) Applicant's age must be between 30 and 45.
- iii) Should not have any position in any Political party.
- iv) Should be loyal, honest, pro-active and respected by his/her community members.
- v) A person must be permanent resident within the working electoral constituency
- vi) Have some experience working as a volunteer

#### **Accreditation**

Paralegals are awarded certificates upon completion and pass all examinations by the Zanzibar Legal Services Centre.

In Zanzibar, paralegals are not mentioned in the mother law the Constitution, but they are recognized in the local legal system as they have the opportunity to apply for legal Petition before the Chief Justice of Zanzibar to practice as *Vakils* in the Kadhi's and Primary Courts of Zanzibar.

The total number of Paralegals are 179; 54 completed, 55 are in the second year, and 70 are in the first year.

#### **Paralegals' importance**

- i) They act as 'First aid' legal providers at community level.
- ii) They give legal and general advice to the community members.
- iii) They refer the legal clients at the community level to the Centre for further assistance.
- iv) They usually provide legal and human rights education to their community members.

#### **The Standard of their training**

Zanzibar Paralegals are trained in legal matters for a period of two years. Kiswahili is the medium of instruction in these trainings. They are trained in eight subjects: Law of Contract; Criminal Law and Procedure; Constitutional and Legal System in East Africa; and Legal Method in the first year. And Law of Tort; Civil Procedure; Law of Evidence; and Administrative Law in the second

#### **How many people are assisted by paralegals?**

For a period one year, from January to December 2012, 486 legal clients were assisted by Paralegals in Zanzibar.

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<sup>57</sup> Definition by the Zanzibar Legal Services Centre

## **Zambia**

Zambia only has 800 lawyers, thus there is a great need for paralegals. Zambians working in the legal sector have long recognised the need to improve access to justice and have focused on professionalising paralegals. A curriculum for paralegals has been designed and a national paralegal body was established. In this regard, Zambia is ahead of other SADC countries.

A paralegal is a person with basic knowledge of law and its procedures but who is not a lawyer. Having signed an MoU with the University of Zambia – Law School and National Institute for Public Administration (NIPA), the Paralegal Alliance Network comprising of 12 civil society legal aid providers namely Legal Resources Foundation, Zambia Civic Education Association, Caritas Zambia, Young Women Christian Association, and others ( you can either leave out names of institutions) receives application letter and then shortlist candidates for training.

The applicants must be grade 12 school leavers and their certificate course is six months and thereafter a Diploma Course which runs for 18 months.

### **How many are they? What is their importance? How many people are assisted by paralegals in Zambia?**

There are 650 paralegals who are trained in counseling, conducting legal education and practical skills in assisting people who cannot afford legal services when confronted with legal disputes. Paralegals work in the communities and their task is to inform people on their rights and negotiate on their behalf and where necessary to contact a lawyer if they meet with difficulties or obstruction in securing their rights.

Paralegals work in the communities. Paralegal are involved in provision Legal advice and legal education and information to the communities, and assist in securing mediation and negotiation on matters of dispute, assist lawyers with case work.

Each year they assist about 36,000 people.

### **Recognition by the Constitution**

Zambia Paralegals are not recognized by the Constitution. However, Zambia is about to formulate a Legal Aid Policy which proposes for inclusion of other legal aid providers once approved it will call for a Legislation review to include non state actors or enactment of new legislation since there is no law to regulate them. However there are laws which can be used to hinder their undertaking; these are, Legal Practitioners' Act, Legal Aid Act and Law Association of Zambia Act

## **Zimbabwe**

Zimbabwe has serious problems in maintaining functioning courts due to the ongoing political crisis. Despite Zimbabwe's serious problems in maintaining functioning courts and the rule of law, Paralegalism has been continuously developing and is playing a central role in providing access to justice to increasing numbers of citizens. An association of paralegals has been formed. LRF (a SALAN member organisation) works with paralegals in community education, also involving them in casework. LRF developed a systematic training programme that it offers to LRF paralegals as well as to other organisations. The paralegal profession is, however, not yet formally recognised.

### ***Who is a paralegal - Criteria for identification, Level of education, Accreditation and the Standard of their training***

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**SALAN MEMBERS:** Legal and Human Rights Centre, Tanzania (Secretariat), DITSWANELO, Botswana, Centre for Advice, Research and education on Rights, Malawi, Liga Mocambique Dos Humanos, Mozambique, The Legal Assistance Centre, Namibia, The Black Sash, South Africa, Legal Resource Centre, South Africa, Legal Resources Foundation, Zambia, Zambia Civic Education Association, Zambia, Zanzibar Legal Resource Centre, Tanzania, The Legal Resources Foundation, Zimbabwe, Transformation Resource Centre, Lesotho, Zimbabwe Women Lawyers Association, Namibia Centre for Human Rights, Muleide - Mozambique

*A paralegal is someone with secondary level education has received some form of systematic and standardised training in law. Their employer could be an NGO, private organisation including law firms, or government department. The type of work is wide ranging and can include casework, community education, alternative dispute resolution, mobilisation, representation in some courts and administrative work”*

There are two primary institutions offering paralegal training, the Zimbabwe Congress of Trade Union and the Legal Resources Foundation (LRF) . The LRF offers a Paralegal/In-house certificate, which is moderated by the Council for Legal Education through the Judicial College of Zimbabwe. The certificate is offered after at least a 2-year period of on-the-job training with some periods of residential study courses and others by distance learning.

### **Number of Paralegals and their importance**

There are currently not many in Zimbabwe who would describe themselves as “paralegals”. Those working for NGOs number less than 100, being found in at least 6 NGOs, almost all of which are in the legal service or human rights sector. These are the Legal Resources Foundation (LRF), Zimbabwe Women Lawyers Association (ZWLA), Justice for Children, ZimRights, Musasa Project (specialising in gender based violence). Of these, the LRF employs the most, at 36.

Legal assistants in law firms probably number in the low hundreds, but no survey has been undertaken. Clerks of court similarly would number in the low hundreds, perhaps between 200 and 300.

Trade unions have around 18 paralegals in full time employment in the ZCTU offices, posted in six different provinces. Affiliate unions also have paralegals who have earned a certificate who continue in regular employment but offer paralegal services to the members of their individual unions. Around 500 of these have been trained over the past few years, but it is not clear in the present circumstances of the collapse of the formal economy how many are still operating, since many workplaces are currently closed or functioning with reduced staffing levels.

LRF paralegals provide legal advice and legal assistance to around 13,000 people and reach around 120,000 people through its education activities

### **Role of Paralegals**

All paralegals are engaged in case work, while those in NGOs are also actively involved in community education, advocacy, community mobilisation, conflict resolution and monitoring of human rights violations. Trade union paralegals are primarily concerned with case work but also undertake some mobilisation, advocacy and human rights monitoring, as well as providing training for their members.

Apart from the ZCTU paralegals having right of appearance in the Labour Court, none other can appear in court.

If the paralegals were not there the beneficiaries would not be able to access the justice delivery system.

## **Constitution / Policy Provisions in Zimbabwe**

They are not recognized by the constitution and this is not likely to change in the short to medium term. There is no specific legal and regulatory framework

## **Supportive / Inhibitive Laws**

There is no law that recognized them. However there are moves to capacitate the Legal Aid Directorate and that would provide fertile ground for promoting paralegals. But as with most member countries, the Law Society remains opposed to paralegals.

## **Botswana**

**In Botswana**, a paralegal is a person who is trained to teach other people about human rights and legal rights. Paralegal's main role is to provide legal services to communities surrounding them.

### **Criteria for identification, Level of education, Accreditation and the Standard of their training**

DITSHWANELO has been the only organisation providing paralegal training in Botswana, mainly on areas of legal rights and Human rights. Currently there is one accredited primary institution offering paralegal training, Ba Isago University College. DITSHWANELO also provides training for other organisations to teach members of communities about different rights, such as women's rights, domestic violence, rights of domestic workers and rights of indigenous peoples.

### **Level of education**

There is no formal education for paralegals but currently the practice is that a paralegal is someone with secondary level education who is able to read and write, and understand the language of the community with whom she/he works..

### **Number of Paralegals and people assisted by paralegals in Botswana**

Botswana has not been known as a centre for paralegal development. However, there has long been activism around human rights issues, and more recently, paralegals have become part of the scene.

There are roughly less than 50 known employed paralegals in Botswana being found at DITSHWANELO and with at least 3 NGOs and Legal Aid Botswana - all of which are in the legal service or human rights. Paralegals in NGOs are trained in counseling, to conduct legal education and practical skills in assisting people who cannot afford legal services when faced with legal disputes. Most Paralegals work in the communities and their task is to inform people about their rights; negotiate on their behalf in various matter and, where necessary, refer them to a lawyer if they meet with difficulties or obstruction in assisting their clients to get their rights.

Paralegals work in the communities. Paralegals are involved in the provision of Legal Advice and Legal Education and Information to the communities; in assisting in securing mediation and negotiation on matters of dispute and assisting lawyers with case work. No proper survey has been conducted on paralegals and their work in Botswana.

Every year DITSHWANELO paralegals assist about 436 people.

### **Role of Paralegals - contributing to Access of justice**



Paralegals are engaged in case work and referrals to lawyers. Those in NGOs are also actively involved in community education, advocacy, community mobilisation, conflict resolution, provision of lay counselling and monitoring of human rights violations.

**Are they allowed to go to court if yes which court?**

No, paralegals are not allowed to go to court. Paralegals are not mentioned anywhere in the justice system of Botswana except for DITSHWANELO and a few other NGOs.

**What would have happened if the paralegals are not there**

If paralegals were not there, the marginalised community or people who cannot afford legal services will not be able to get assistance legally and have their rights upheld.

**Constitution/ Policy Provisions**

Paralegals are not recognized by the Constitution of Botswana. There is no specific legal and regulatory framework

**Supportive/ Inhibitive Laws**

There is currently no law which recognizes or regulates paralegals in Botswana. There is no law which would prohibit them from doing their work either.

**Malawi:**

In Malawi a Paralegal must have a minimum of secondary school education. There is professional training by the Staff Development Institute (SDI) at Certificate Level. There is no formal accreditation for paralegals, the profession is working a bit informally and has grown mostly within the CSO community. Paralegals do not have a professional body of their own like qualified lawyers do.

**Numbers of Paralegals and People Assisted by them**

Almost 1000 paralegals are working in the country in both private and public sector. Paralegals are closer to the people hence are approachable and offer their services for free thereby filling the gap in the delivery of justice as lawyers are in towns and cities . It is estimated that more than 100 clients are assisted by paralegals on daily basis.

**Contribution of Malawi paralegals to Access to Justice**

Paralegals provide advice, counseling, civic education and mediation services to clients and members of the general public. They do not have right of appearance in courts except those at state advocate who act as state prosecutors. If paralegals were allowed in at least lower courts, that would help them to assist so many clients with minor court procedures such as bail application, application for provision and maintenance of maintenance orders, etc.

**Legal Framework for Malawi Paralegals**

The constitution gives silent recognition of paralegals in the sense that it does not bar them from operating in the country. There is no policy governing paralegals in Malawi. There is need to expand the paralegal sector beyond CSOs, they should work with law firms or on their own.

Currently paralegals that work with law forms operate as mere clerks and assist lawyers with research and documentation.

There is no law regulating the work of paralegals in Malawi. Paralegals have no legal recognition despite the tremendous work that they are doing. There is no prohibition as such but there is silent limitation in terms of lack of right of appearance in courts of law. With that right, they could be able to assist so many vulnerable people.

The **Mozambican** constitution guarantees legal aid to those who need it, but up to now the implementation of this provision has remained a remote dream. Paralegals in Mozambique have no legal recognition. However, the legal system allows them to appear in court as legal assistants. LDH (a SALAN member organisation defending human rights through legal advice and assistance) is the only organisation working with paralegals. LDH offers training and mentoring for paralegals.

**Namibia** was an early player in the paralegal field. The Namibia Paralegal Association (NPA) currently has over 200 members and offers paralegal training. A standard curriculum entails introductory and advanced courses as well as refreshers. Paralegals are given certificates on completing the training, but they are not recognised as professionals. Besides providing legal aid, many of the paralegals monitor human rights abuses, operate as election observers and offer community education. LAC (a SALAN member organisation) offers paralegal training<sup>58</sup> for community activists as well as legal aid. However, there is a challenge that Namibia has a Legal Aid Directorate which is under-funded.

## **6.0 Advantages of Paralegals as professionals;**

- 6.1** Access to justice will be improved in SADC Region as more people especially the poorest will be represented
- 6.2** Time used in courts by poor people will be minimized, hence development.
- 6.3** Shortage of lawyers and advocates will be minimized because the lawyers will not be pursuing small cases at village and ward levels where paralegals will be assisting clients.
- 6.4** Increased awareness on human rights and the law in general since paralegals in most of the SADC countries are human rights watchdogs and they advocate for a fair and just society.
- 6.5** Reduction of cases in courts especially primary courts as most disputes can be resolved amicably.

## **7.0 SALAN's Plea/Request**

**We, SALAN pray to the SADC as follows;**

- i) Recognition of Paralegals be an agenda at the next heads of state summit
- ii) A process of drafting a new protocol recognizing paralegals to be initiated by SADC.
- iii) SADC to adopt a special protocol on paralegals and legal assistance.
- iv) Paralegalism to be recognized as a profession to enhance access to Justice for underprivileged communities of the Southern African Region as aforementioned.
- v) SADC Countries to enact laws recognizing Paralegals to enable to represent clients in Courts from lower courts (Primary Courts, Ward Tribunals, District and Regional/Resident Magistrates' Courts) for five years and then Higher Courts.

## **8.0 Participants to this position paper**

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<sup>58</sup> This is not really formal training but more on an ad hoc basis as part of their other trainings.

The following organisations (who are SALAN members) participated in the conceptualizing and drafting this position paper.

1. Legal and Human Rights Centre, Tanzania (Secretariat)
2. DITSWANELO, Botswana, Centre for Advice
3. Centre for Advice, Research and education on Rights, Malawi
4. Liga Mozambique Dos Humanos, Mozambique
5. The Legal Assistance Centre, Namibia
6. The Black Sash, South Africa
7. Legal Resource Centre, South Africa
8. Legal Resources Foundation, Zambia
9. Zambia Civic Education Association, Zambia
10. Zanzibar Legal services Centre, Tanzania
11. The Legal Resources Foundation, Zimbabwe.
12. Transformation Resource Centre – Lesotho
13. Zimbabwe Women Lawyers Association, Zimbabwe
14. Namibia Centre for Human Rights
15. *Muleide* – Mozambique ((*Associao Mulher Lei & Desenvolvimento*))

**Dr. Helen Kijo-Bisimba**

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**SALAN Head of Secretariat/Executive Director - LHRC**

On Behalf of SALAN Members.

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- The South African School of Paralegal Studies: <http://www.paralegalstudies.co.za/>
- University of Johannesburg  
<http://www.uj.ac.za/EN/Faculties/law/coursesandprogrammes/Documents/Paralegal%20Studies%2011%20web.pdf>
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