

Enabling Access to Justice, Civil Society Participation and Transparency (EnACT)

The challenge

Zambia is a democratic state, with a record of free and fair elections and peaceful transitions of power. However, in the last decade, Zambia saw restrictive policies and limitations on core civil rights, and the space for democratic debate and competition being contested. Although, recently, progress is made towards democratic and legislative reforms, this happens at a time when the country experiences severe economic crises. Corruption affects citizens' trust in institutions and vulnerable population groups struggle to get access to basic public services. The need for accountability demands from non-state actors as well as constructive dialogue between civil society and the State is critical. The interests of the vulnerable population of Zambia, particularly women, children and persons with disabilities, are not considered sufficiently in decision-making and policy reforms, especially in the face of severe austerity measures.

In addition, vulnerable groups do not have any, or only limited access to justice. An overburdened justice system, lack of legal, policy and administrative reform in the justice sector, backlogs at courts and outdated penal laws with a strong punitive approach result in overcrowded prisons and can lead to human rights violations. EnACT therefore works with a three-fold approach to improve access to accountable institutions, to justice – combining legal aid and legal tech – and to transparent government decision-making processes for these population groups in Southern, Lusaka, Central, Copperbelt and Luapula Provinces.

Programme name	Enabling Access to Justice, Civil Society Participation and Transparency (EnACT)
Commissioned by	German Federal Ministry for Economic Cooperation and Development (BMZ) and co-funded by the European Union.
Programme region	National Level and Lusaka, Southern, Copperbelt, Luapula, Central Province
Lead executing agency	Zambian Ministry of Justice
Duration	08/2021 – 07/2026 01/2023 – 12/2025 (EU Co-funding)

Our approach

EnACT works across national and local level and works together with state and non-state actors in the following areas:



Policy Reform and Civic Space: Civil society participates in formulating laws and state institutions ensure that they are implemented.



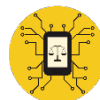
Transparency and Accountability: State action is transparent and accountable.

Access to Justice



Legal Aid: Citizens have access to legal aid and fair procedures in the justice sector.

+



Legal Tech: Digital tools improve legal aid service delivery



Left: Citizens get sensitized on gender-based violence (GBV)

Right: Girl holding up sign advocating for child rights

Results in figures...

EnACT's predecessors, the Civil Society Participation Programme (CSPP) together with the EU co-funded Programme for Legal Empowerment and Enhanced Justice Delivery (PLEED), ran between 2012–2021 and EnACT is now building upon these programme's results. More than 300,000 individuals directly participated in policy-making or decision-making processes in Zambia through the project – from community level to national level.

In the area of access to justice, CSPP/PLEED achieved major policy changes, having supported the development and approval of a Legal Aid Policy. "Paralegals" are now officially accepted within the legal aid sector. So far, a total of 317 paralegals (47 % of whom are women) were trained. Paralegals work at "Legal Help Desks". Those have been set up in 7 subordinate courts, 10 correctional facilities, 2 police stations and 20 local communities. EnACT is planning to establish community desks to reach more vulnerable people on the Copperbelt, Southern, Central, Luapula and Lusaka provinces.



Since most of the poor and vulnerable Zambians currently have limited access to legal aid services, paralegals can fill this gap. They offer no cost/ affordable legal services to the population and create equal access to legal aid. Between June 2017– June 2022, more than 104,000 Zambians received legal aid through paralegals. There was a rapid and significant increase in the annual caseload: In 2017, 9,335 people received legal aid services, while in 2022 16,820 clients received legal aid services. Around 15%, 2,545, of those clients were women.



According to the Zambia Human Rights Commission, close to 50% of accused persons spend at least 6 months in remand. This is particularly problematic for children in conflict with the law. In Zambia the criminal age has recently been revised from 8 to 12 years. Children are often arrested for thoughtless misbehaviour but with legal counsel can be spared prison time during their most formative years.



In 2020, only 27% of the people who were assisted and represented in court through one of the legal aid desks were sentenced to prison. The remaining 73% of the criminal cases were suspended, withdrawn, diverted away from the criminal justice system, or the people charged received a fine, community service or other non-custodial sentence.

...and in stories

Mr. Bernard Kasaka¹, a 66-year-old man who lives in the Copperbelt Province in Zambia, was arrested and charged with assault in 2020. Like many other Zambians he could not afford a private lawyer. He was afraid that he would end up in a congested prison for years before being put on trial.

At the police station paralegals advised him on his legal rights and on his right to apply for a police bond. Thanks to their help the bond was granted. Mr. Bernard Kasaka was released from custody until his trial began. He was then also represented in court by the legal aid assistants. Despite the fact that he was eventually found guilty, his sentence was suspended due to his age and circumstances.

'Without the help I received, I would be in prison now. I have nine grandchildren that I am taking care of. They would have suffered and become destitute if I had gone to prison' (Bernard)

¹ Consent obtained to publish full name.

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