

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

Objective: The access to accountable institutions, to justice and to transparent government decision-making processes has improved.

The challenge

Zambia is a democratic state, with a record of free and fair elections and peaceful transitions of power. However, the current political context in Zambia is challenging and the space for democratic debate and competition in Zambia is contested. The country experiences a severe economic crisis, vulnerable population groups struggle to get access to basic public services and corruption is on the rise. This increases the need for accountability demands from non-state actors as well as constructive dialogue between civil society and the State. The interests of the poor population of Zambia, particularly women, children and youth, are not considered sufficiently in decision-making and policy reforms, especially in the face of severe austerity measures.

In addition, the vulnerable population does 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justice system, lack of legal, policy and administrative reform in the justice sector, backlogs at courts and an outdated penal law with a strong punitive approach result in overcrowded prisons. The situation in the prisons can lead to human rights violations. EnACT therefore works with a four-fold approach in order to improve access to accountable institutions, to justice and to transparent government decision-making processes for these population groups.

Project name	Enabling Access to Justice, Civil Society Participation and Transparency (EnACT)
Commissioned by	German Federal Ministry for Economic Cooperation and Development (BMZ)
Project region	National Level and Lusaka-, Southern-, Copperbelt-, Luapula-Province
Lead executing agency	Zambian Ministry of Justice
Duration	08/2021 – 07/2025

Our approach

EnACT supports state and non-state actors in the following areas:

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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.
- 
Legal Aid: Citizens have access to legal aid and fair procedures in the justice sector.
- 
Legal Tech: Digital tools improve access to legal aid.



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

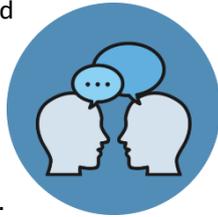
Right: Girl holding up sign advocating for child rights

Results in figures...

EnACT's predecessor, the Civil Society Participation Programme (CSPP), ran between 2012–2021 and had similar objectives, on which EnACT is now building upon. 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 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 local courts, 10 correctional facilities, 2 police stations and 20 local communities throughout the Copperbelt, Southern Province and Lusaka.

Since most of the poor and vulnerable Zambians currently have limited access to legal aid services, paralegals can fill this gap. They offer affordable/no cost legal assistance to the population and create equal access to legal aid.



Just between 2017–2020, more than 80,000 Zambians received legal aid this way. There was a rapid and significant increase in the annual caseload: in the first year (2017), approximately 10,000 people received counseling while this figure has risen to 25,000 by 2020.

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 juveniles and children, who in Zambia are of criminal age from the age of 12. Juveniles are often arrested for thoughtless misbehaviour, and with legal counsel can be spared to spend some of the most decisive years of their lives in prison.



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 and 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 Kasaka, 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 Kasaka).

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*Enabling Access to Justice, Civil Society
Participation and Transparency (EnACT)*
Mpile Office Park, 3rd floor
74 Independence Avenue
Lusaka, Zambia

E: enact@giz.de
I: www.giz.de/en

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Author Patrick Schünemann

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Programme manager Katharina Kammerer (katharina.kammerer@giz.de)

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