

EVENT

Webinar on the Impact of Covid-19 on the Work of Community-Based Paralegals in Africa

Robert Doya Nanima

The Dullah Omar Institute and the African Centre of Excellence on Access to Justice convened a webinar on the impact of Covid-19 on the work of community-based paralegals (CPBs) in Africa. It engaged seven expert panelists from South Africa, Tanzania, Rwanda, Kenya and Nigeria.

The first part of the conversation was directed by four panelists: Dr Annette Mbogoh, the Executive Director of Kituo cha Sheria, from Nairobi, Kenya; Ms Amina Hanga, the Executive Secretary of Isa Wali Empowerment Initiative, from Kano, Nigeria; Mr Fred Patrick, a lead paralegal with Justice & Empowerment Initiatives, from Lagos, Nigeria; and Mr Zweli Hlatshwayo, the president of Community Advice Offices South Africa. The second part of the conversation looked at some of the innovations used to mitigate the challenges. The participants heard from Mr Jean Paul Ibambe of the Legal Aid Forum of Rwanda; Mr Adam Oxford of the Hague Institute for Innovation of Law (HiiL) Justice Accelerator's southern African office; and Mr Said Chitung of the Legal Services Facility in Dar es Salaam, Tanzania.

The host, Dr Robert Nanima, opened the session with an overview of the situation of CBPs. He said that as of 25 May 2020, there were more than 5.2 million infections, 340,000 deaths and 2.2 million recoveries worldwide. Restrictions imposed by countries affected the work of service providers, including CPBs.

Impact of Covid-19

Dr Annette Mbogoh, Executive Director of Kituo cha Sheria, shared her experiences of the Kenyan context in a presentation about the work of Kituo cha Sheria, a non-governmental organisation that seeks to empower the poor and marginalised and enhance equity and access to justice. She highlighted eight emerging issues that CBPs had identified. These included an increase in forced evictions of poor

communities, rendering them homeless at a time when being at home meant safety, and an increase in sexual and gender-based violence cases, as families were forced to stay at home. Other issues were police brutality, arbitrary arrests and extrajudicial killings in the implementation of the curfew.

There were also reports of unfair or unlawful termination of employment following the pandemic, of an increase in infections in informal settlements

in Nairobi and Mombasa, and of stigmatisation of infected persons. In addition, there was an increase in property-related crime such as theft. Dr Mbogoh noted that there was a lack of transparency and accountability by state agencies in the use of Covid-19 allocated funds and projects.

She said Covid-19 impacted on the work of paralegals in various ways. First, from a national perspective, the National Legal Aid Service (NLAS) was closed. This greatly affected policy and technical support relating to paralegal work. This was evident in the halted finalisation of accreditation rules for paralegals, and the suspension of activities of the sensitisation of paralegals. Secondly, at the grassroots level, the CBPs were not able to conduct their sensitisation forums in public gatherings in view of the ban on such gatherings. Furthermore, some of the paralegals' offices were closed due to the restrictions and safety measures. Also, since the CBPs are volunteers, they need sources of income, but due to the pandemic, their streams of income had decreased, leaving them with having to find ways of providing for their families – something which was significantly affecting their work.

Ms Amina Hanga, the Executive Secretary of Isa Wali Empowerment Initiative, shared her experiences from Nigeria. She said the Isa Wali Empowerment Initiative seeks to provide access to justice by using a community-driven approach in targeting beneficiaries who are vulnerable, indigent and marginalised. The organisation was involved in the training of paralegals, whose services include basic legal aid services, advocacy, referrals and follow-up support, awareness-raising, mediation, counselling and legal aid education.

Ms Hanga said Covid-19 had led to an increase in poverty, a rise in domestic violence, forced marriages, and the closure of schools. Domestic violence was evident in physical, verbal, emotional and economic deprivation of the victims. In regard to CBPs, they were concerned about being infected by the communities they serve; however, due to the lockdown, they were unable to raise awareness in communities due to a ban on public gatherings. She also reiterated that the reduction of paralegals was due to the lockdown restrictions that reduced their mobility.

The CBPs also had limited access to correctional facilities and police stations. In some areas, they feared reprisals of harassment from law enforcement officers. There were a few designated courts that were operating and were handling only criminal cases. The greatest challenge was the non-classification of legal services as essential services. Due to the restriction on various CPB programmes, financial support from donors had been greatly affected.

Mr Fred Patrick of Justice & Empowerment Initiatives from Lagos provided insights from an urban-poor perspective. He stated that CBPs offered services at the grassroots in their communities. His organisation's work was led by the residents in informal settlements, who were able to overcome language, literacy and affordability barriers. At the core of their work, the CBPs provide free legal services to their clients in appreciation and exploration of their rights.

He highlighted various Covid-19 impacts on the work of CBPs. The CBPs were not able to attend to clients because of the fear of contracting the virus. Indeed, some CBPs were scared of attending to clients in their communities. This fear led to an inability to carry out effective mediation. In instances where mediation was carried out, the supervising attorneys were not available to attend.

There were reports of the long detention of clients and subsequent extortion by the police. Some of the notable examples were in effected police arrest and detention. These detentions placed the left the clients susceptible to exploitation by the police. Those who did not succumb to the extortion spent longer times in police detention. Like the preceding speakers, Mr Patrick said there was an increase in sexual gender-based violence cases. Victims were not able to go to the police, a situation that exacerbated the problem. He also said that all court cases had been halted, especially so criminal cases where the accused were on bail. Community education by CBPs had been greatly affected by the ban on public gatherings.

Mr Zweli Hlatshwayo of Community Advice Offices South Africa reiterated that CBPs are community workers and thus where there is no access to communities, there is little to do. He said the main challenges had to do with mobility. This continued to hamper the work of CBPs as people were unable

to consult them due to the regulations. Another challenge was the failure to access protective equipment. A further issue was police brutality and human rights abuses by the army. In addition, the CBPs have been able to collaborate with the South African Human Rights Commission to ensure the continued provision of legal advice across 108 identified offices. The Community Advise Offices have continued to train CBPs in the monitoring of human rights in strategic places like hospitals.

Innovations to mitigate these challenges

Mr Jean Paul of the Legal Aid Forum in Rwanda described several innovations that were being used to deal with the challenges facing CBPs. The first lay in the use of information and communications technology (ICT) to provide legal aid to the Rwandan population by means of the '845 platform'. A person who needs the service dials 845 on a mobile phone, and from there on chooses from six categories: gender-based violence and childrens' rights; succession and family; land and expropriation; procedural law; jurisdiction of courts; and *abunzi* law and labour laws.

Mr Paul said the 845 platforms had enjoyed success. First, Rwanda's Legal Aid Forum continued to perform legal education using an interactive voice response (IVR) system, with 79,033 calls having been logged during the lockdown. Secondly, the use of unstructured supplementary service data (USSD) showed that the content was read 32,857 times. Thirdly, the use of callbacks enabled call-centre operators working from home to provide legal advice to 2,078 people.

The second innovation was the use of the Legal Aid Forum's toll-free line using the 1022 platform. From 16 March to 4 May 2020, this toll-free line continued to be used to provide legal advice and assistance to those in need. It was recorded that 207 persons, including those with Covid-19 issues, were given legal advice on matters such as labour law, divorce, and issues of land and succession.

The fourth innovation was that, through a mobile data collection platform (SurveyCTO), the Legal

Aid Forum was able to receive monthly reports even during the lockdown. It was confirmed that at least 30 paralegals' representatives had used tablets to send their monthly reports. It was noted that despite the lockdown, the Legal Aid Forum continued to perform its daily activities. This was due to the strategic ICT tools that enabled remote accessibility.

Mr Adams Oxford of HiiL said his organisation worked in various countries and that its innovations supported the work of CBPs. For instance, the 'Rainbow' initiative in South Africa had helped 20,000 women in 2019, and it was suggested that this tool could be used by women in abusive relationships during the Covid-19 restrictions. The organisation also helped to support employees and employers through the signing of basic employment contracts.

Mrs Oxford noted from his experiences in southern Africa that more often than not there was no budget for innovation, yet an increase in budgeting for the justice sector did not necessarily equate to higher performance in access to justice. He said his organisation emphasised the need to engage with policy-makers on how justice is financed, and argued for the use of alternatives like performance-based budgeting. He said that although innovators had a big job ahead of them, there was a need to focus on what works and to open conversations with investors willing to pay for people-centred justice. ICT, he said, remains the way forward.

Mr Said Chitung of the Legal Services Facility discussed innovations under way in Tanzania. He said these lay in CBPs' use of community and national media such as radio and TV. Social media was also being used to deliver legal education to communities; other examples were toll-free interventions, the use of bulk SMS, and conventional media like posters and flyers. For instance, when the CBPs had to engage with the public in crowded areas such as markets, they used face-to-face legal education, with due regard to social distancing, as well as public address systems. They also collaborated with government departments, such as the Ministry of Health, to continue the provision of legal education. Another innovation was in the use of online courts to adjudicate matters.