
Mozambique

Law & policies

The Constitution of Mozambique, 2004¹ guarantees the right to “adequate legal assistance and aid” to criminal defendants who are unable to hire lawyers for economic reasons.² It is unclear whether the referenced legal assistance and aid includes the services of paralegals. If the preceding sentence on the right to freely choose a legal counsel is anything to go by, then we can conclude that the legal assistance and aid here means legal defence service provided by a lawyer.

Ratio of lawyers to paralegals

The Mozambican Bar Association³ lists 100 enrolled/registered members. Of this number, only 42 are active. The other 58 are either deceased or suspended.⁴ There is no umbrella body of paralegal organizations in Mozambique, Nonetheless, organizations such as Instituto de Acesso a Justice de ordem dos Advogados de Mocambique (Legal Aid Institute of the National Bar Association) and the Instituto do patrocino e assistencie juridica (Legal Aid Institute) are two of a few organizations offering paralegal services. Regrettably, there is no publicly available total number of paralegals in the country.

Sources of funding

Paralegal services are funded by the few organizations providing them – with support from their donors.

Legal recognition

Paralegals are not legally recognized.

¹ <https://cdn.accf-francophonie.org/2019/03/mozambique_const-en.pdf>

² Section 62(2) of the Constitution of Mozambique, 2004.

³ Ordem dos Advogados de Mocambique (OAM)

⁴ See OAM website <<https://oam.org.mz/membros/advogados-inscritos/>> accessed 19 May 2023.

Challenges of paralegals

In the absence of legal recognition and regulation, paralegals work with organizations which sometimes create rules for them but these rules are not standardized across civil society.

Poor funding makes providing the logistics for the work rather difficult.⁵ Since paralegals are unpaid volunteers and are often inundated with requests for support, there is a huge tendency for despair and despondency to set in.

The lack of a national platform to promote the rights of paralegals means they are at the mercy of the dispersed communities in which they work.⁶ These communities mostly do not know about the work of paralegals⁷ which makes resisting them fairly common.

Independent paralegals confront a different kind of problem when they are not accepted in the communities because they have to find a way around problems by themselves.⁸

Opportunities for collaboration

The lack of a national platform for promoting the rights of paralegals presents a great opportunity for collaboration among providers of paralegal services. A national platform increases paralegals' bargaining and lobbying capacities. In addition to helping protect their rights, a national platform will prove more effective in the advocacy for legal recognition and regulation. It could also provide cover for paralegals who are currently independent and therefore more vulnerable to abuse.

Recommendations

Because of the limited knowledge of the work of paralegals, the paralegal movement might wish to mount public enlightenment campaigns in local languages across the country to let people know who paralegals are, what they do and how they are different from lawyers. The campaigns should also focus some attention on what people can do when paralegals misconduct themselves. One way to get the campaign moving as quickly and uniformly as possible is to set up a national platform bringing together all paralegal organizations and independent paralegals. The imperative for this platform has been set out in section 3.4.5 above. This platform could also help advocate for legal recognition and improved funding of the paralegal movement.

⁵ Robert Nanima & Ebenezer Durojaye (n. 1), p. 38.

⁶ Ibid, p.33.

⁷ Ibid.

⁸ Ibid.