
Zambia

Law & policies

Zambia has the Legal Aid Act, Act No 1 of 2021 that provides for the grant of legal aid in civil and criminal cases to persons whose means are insufficient to enable them to pay for legal services. Other objects of the Act are to provide for the regulation of law clinics in the provision of legal aid; reconstitute and continue the existence of the Legal Aid Board and importantly, the registration of practitioners, legal assistants, paralegals and legal aid service providers. This Act has greatly been informed by the country's National Legal Aid Policy¹ which (before the enactment of the Legal Aid Act) recognized paralegals as individuals who have completed a course of training in paralegal studies and have been duly registered with the Legal Aid Board. The training has to be conducted by a university, higher institution or organization accredited by the Technical Education, Vocation and Entrepreneurship Training Authority (TEVETA).² The Legal Aid Act provides for the various categories of paralegals, the nature of recognition and regulation as well as critical questions on education and experience. These details are provided for in Parts III(c), and IV of the Act.

Ratio of lawyers to paralegals

The Law Association of Zambia counts “more than 1000 legal practitioners” as members.³ The Paralegal Alliance Network (PAN) is the umbrella network of paralegal organizations in Zambia. It is a network of about 20 organizations providing legal aid services. Since the advent of the National Legal Aid Policy, PAN has retrained “over 1500” paralegals under the new curriculum.⁴ However, only “about 1000” are currently active.⁵

¹ October 2018

<https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/national_legal_aid_policy_zambia_ad_opted.pdf>

² TEVETA also develops the training scheme for paralegals in three categories – paralegal certificate, paralegal trade test; and paralegal skills award.

³ <<https://www.laz.org.zm/>> accessed 19 May 2023. Philip Sabuni, National Director of Paralegal Alliance Network (PAN) suggests that there are “more than 2500 lawyers.” Interview with Philip Sabuni, 23 May 2023.

⁴ Interview with Philip Sabuni, 22 May 2023.

⁵ Ibid.

Sources of funding

Funding for paralegal services primarily comes from donors supporting paralegal organizations.

Legal recognition

The Legal Aid Act of 2021 legally recognizes paralegals in section 19. This complements earlier recognition under the National Legal Aid Policy for paralegals⁶ and legal assistants. The policy also establishes a quality assurance framework as well as a regulator – the Paralegal Standing Committee of the Legal Aid Board.

Challenges of paralegals

Given the high cost of training for potential paralegals, there is a huge risk that potential paralegals – many of whom are poor - may not have the resources they require to get the training unless there is external support.

In addition, the poorly funded paralegal service often means that paralegals are unpaid volunteers. Coupled with limited acceptance and recognition of the service in rural communities, chances are that the average community paralegal has a hard time doing his/her job.

Opportunities for collaboration

Given the precarious state of funding for paralegals and the provision of a Legal Aid Fund in the Legal Aid Act of 2021,⁷ it might help for the paralegal movement to collaborate with movements elsewhere in Ghana to understudy how they managed to get the President of the country to take the lead in providing resources to activate the Legal Aid Fund. A second point of collaboration is the cost of training. Perhaps the paralegal movement can work with the government and/or the private sector to subsidize the cost of training so more people can participate.

⁶ National Legal Aid Policy, 2018, Objective 5

⁷ Section 41(a) provides that the fund could be applied to “providing legal services to persons granted legal aid in accordance to this act.” The act defines legal services to include legal information, legal advice and legal assistance. Consequently, one can argue that the fund will apply to paralegal work. However, Philip Sabuni, National Director, Paralegal Alliance Network (PAN) suggests that the government is not keen to extend the funds to paralegal work because it is supposedly insufficient to cater to the needs of the Legal Aid Board which is a primary recipient. Interview of 22 May 2023.

Recommendations

One priority recommendation would be to trigger the Legal Aid Fund with a proviso that it should be available for paralegal work on account of section 41(a) which lists legal services as eligible. Legal services include services provided by paralegals namely legal information, legal advice and legal assistance. A second recommendation is to improve the intake of trainee paralegals either by subsidizing the cost of creating a tier system of training which makes it possible for those at the base to pay no fees to get trained.