



PARALEGALS, AMBASSADORS OF THE LAW TO THE PEOPLE OF CHAD

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The need(s) in terms of justice

Despite the legislative and judicial reforms carried out over the past few years, citizens of Chad still face major obstacles in terms of access to justice. The population lacks knowledge of its rights and of the means to exercise them, especially in rural areas where traditional rules remain very powerful and where the availability of modern justice is insufficient.

Access to a lawyer is not guaranteed. In the absence of a functioning legal aid¹ system, the services of a lawyer are unaffordable for most people. Moreover, Chad has fewer than 200 lawyers registered with the Bar Association, for a population that exceeds 11 million inhabitants. Finally, given that the lawyers are almost all based in the capital, most people in Chad are unable to make use of their expertise to ensure that their rights are respected. Thus, while 32% of people involved in legal disputes in N'Djamena are assisted by a lawyer, the proportion is ten times smaller in the countryside.²

Civil society in Chad is mobilising to respond to these issues. Some organisations offer legal aid services to the most destitute people, in the form of interventions by local actors commonly called "paralegals".

As in other countries such as South Africa, Malawi, Mali, and Sierra Leone, where access to the services of a lawyer remains limited for the majority of people, the role played by paralegals in access to justice for communities in Chad is crucial, particularly for people in vulnerable situations. Paralegals open the door to the law for tens of thousands of people.



1. Legal aid is defined as the range of free legal services available to inform, advise, and assist people to make use of the law and existing administrative and judicial procedures.

2; Opinion poll on Justice in Chad (EOJT-2014), carried out by Dr Jean Paul Zoyem within the framework of the European Union's Programme to Promote Justice in Chad, final report, May 2015.

Djimadoum

Joël

Marceline



What is a paralegal?

Paralegals are men and women who are not legal professionals but who possess basic knowledge of the law, are familiar with the legal procedures as well as the sociological realities of their country, and who help to improve access to the law for the people.

Paralegals are trained by their respective organisations to help resolve the legal issues most commonly encountered by members of their community: domestic violence, forced marriages, child abandonment, land disputes, corruption, abuses of power, etc. At the same time, they strengthen people's ability to represent themselves.

Paralegals have a number of missions. They are active in conflict prevention, for example in raising awareness and delivering information to populations about their rights and obligations, and the relevant legal procedures. Their activities in relation to conflict management include assisting and delivering advice to populations, facilitating out-of-court settlements, mediation between parties to legal disputes, referring people to other service providers and/or to the courts where necessary, and assisting defendants during the pre-trial phase.

The importance of their role is increasingly recognised, not only by those who benefit from their services but also by official and traditional authorities.

Djimadoum, (40 years old), father of 11 children, lives in Béré. *"After our father's death, my brothers didn't want to share out his land fairly. The village chief heard about the problem and summoned us, my brothers and me. Because we couldn't reach an agreement, our land was seized."*

Land constitutes the main resource for communities in Chad. Djimadoum is no exception to the rule. Without land, it is impossible for him to provide for his family.

"Dissatisfied with the decision, I made enquiries in the village to see if there were other institutions capable of delivering justice and there, for the first time, I was told about paralegals. After I had explained my problem to Marceline [a paralegal in Béré], another meeting was organised with my brothers and the village chief. Thanks to her intervention, we were finally able to resolve the problem and share our father's land fairly."

For Djimadoum, paralegal intervention is "a new form of judgement which is very convenient for the villagers. The intervention of paralegals can undoubtedly reduce the number of unresolved conflicts and make the work of the village chief easier."

Joël, village chief of Peni, another locality in the south of Chad, often makes use of the experience of paralegals, and of the services they provide to resolve problems that arise within his community: *"There are many problems, but the paralegals help a lot. Without them, we would be overwhelmed."* Joël now increasingly refers citizens to paralegals.

One significant advantage, given the economic realities of the country, is that the vast majority of paralegals carry out their activities in a voluntary capacity. There are many sources for their motivation but they are united by a desire to be useful to their community. Many paralegals found that justice was unavailable to them at a time when they needed it, and thereafter decided they wanted to do their bit to help.

Bedjebedje

Madjibarne

Bebedadi



Marceline, 38 years old and mother of 13 children, has been working as a paralegal in Peni since 2010. Every fortnight, she raises awareness among the populations of neighbouring villages about their rights and responsibilities, particularly in relation to gender-based violence and the rights of children. *"Paralegal intervention solves many problems in the villages and effectively helps to resolve conflicts. What motivates me is that many people come to see me for advice. It's also a kind of recognition."*

Bedjebedje (58 years old), who has been active as a paralegal in Béré for three years, agrees: *"What motivates me most of all is the contribution we are making to society and the way we are educating people about the law. My concern is that justice is done."*

Madjibarne (53 years old), is the mother of five children and an active paralegal since 2013. She adds: *"We became involved for the good of the country. The training I received enabled me to better understand problems relating to society, and to raise awareness within my community."* She cites, for example, the numerous cases of underage marriage. *"I intend to continue my involvement because voluntary work is vital for the development of my country."*

Being a paralegal is not easy. Paralegals can face many obstacles: a lack of recognition on the part of certain authorities who sometimes see them as a threat to their interests, lack of financial resources to ensure the delivery of services (lack of premises, insufficient means of transport and communication, etc.), and often a lack of adequate training.

Some paralegals practice a paid profession in conjunction with their activities in conflict management and prevention; others do what they can to provide for their households as well as carrying out their voluntary work for the good of their community. This is the case for **Bebedadi (35 years old), mother of eight children and a paralegal in Béré since 2013:** *"To pay my household costs, I sell baskets and cups made from plastic bottles, as well as knitwear. It's not always easy, but I'm motivated by my work."*

All these volunteers are crying out for an improvement in their working conditions. Most of them travel on foot, sometimes for long distances. This lack of means often prevents them from reaching the most remote areas, where populations therefore cannot benefit from their services.

The village chief of Peni, Joël, shares their concerns: *"Given the size of the population and the conflicts that occur, I am in favour of an increase in the number of paralegals and of the resources available to them."*



Justice close to the people

Compared to formal and traditional systems of conflict resolution, the intervention of paralegals greatly contributes to the promotion of peace and social cohesion within the community.

Their activity very often enables legal disputes to be resolved amicably and helps to avoid systematic recourse to the police and the authorities. It also reduces the strain on the courts and detention centres.

Mbaibai



Mbaibai (45 years old), mother of five children and a paralegal in Béré, describes the situation perfectly: *"I decided to join the team of paralegals to do something for society. Due to a lack of means of transport, I travel on foot. But I consider myself happy and optimistic; I am hopeful that the working conditions will improve one day"*. For her, as for many others, there is no question of abandoning this work which helps the population, who often expresses great appreciation for the services they deliver. For example, in Bebedjia, a young mother received valuable advice and legal assistance. As a symbol of her gratitude, she named her new-born child "Parajuriste" ("Paralegal").



ASF supports access to justice

Avocats Sans Frontières (ASF) has been active in Chad since 2012, working to improve access to justice for people in vulnerable situations, primarily by providing technical support to civil society organisations which have been active in this field for many years.

Alongside these front-line actors, ASF is working towards better recognition, by all concerned, of the crucial role played by paralegals in relation to access to justice. One of the objectives is to improve their working conditions.

With this aim, ASF has facilitated discussions for seven civil society organisations on the subject of paralegal practice in Chad, within the framework of a project funded first by the European Union and then by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ, a German government agency in the field of international cooperation).

The aim of these discussions was to enable the different organisations to improve their practices in the field, in order to:

- Ensure the quality and professionalism of services delivered;
- Improve knowledge and recognition of the role and work of paralegals within their communities and by the authorities; and
- Improve their working conditions.

Over the course of six workshops for exchanging and sharing ideas, held over a period of more than a year, ASF was able to encourage these organisations and their paralegals to adopt and sign up to a common status for paralegal activities in Chad. This document aims to ensure a common understanding of the rules and principles that govern paralegal activities, in relation, for example, to action that can be taken by paralegals (and the inherent limits of such activity), criteria for eligibility, the necessity for initial and ongoing training, and the code of conduct to which they must adhere when carrying out their mission.

The adoption of this document represents a crucial step in the progressive recognition of an official status for paralegal activities in Chad by the authorities. In fact, as experience demonstrates, the recognition of an official status is greatly helped by, if not dependent on, the standardisation of the activities of civil society organisations active in the sector.

ASF intends to continue its support for these organisations, helping them to implement the status and the accompanying training curriculum, with a view to improving access to the law for the people of Chad.



The common status for paralegal activities in Chad is available online:
www.asf.be/wp-content/uploads/2016/10/Statut-PJ_Final.pdf