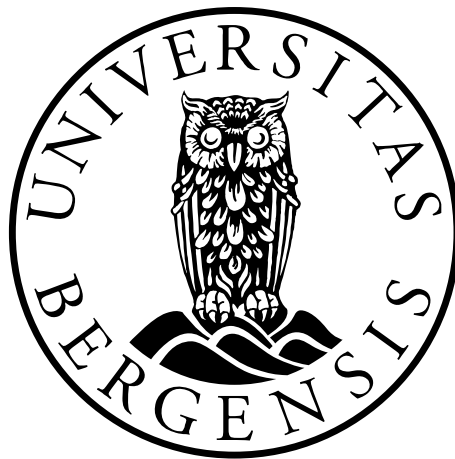


Paralegal Services and the Fight Against Gender-Based Violence and Other Gendered Injustices in Tanzania

The Case of Women's Legal Aid Centre (WLAC)

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Dedication

This thesis is dedicated to my parents Michael Kifwambele and Jonisia Jimmy Chongoma who took me to school. They devotedly accomplished their parental responsibility unknowingly that there was time in my life I would reach this stage.

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Abstract

Gender-based violence (GBV) is a key dimension which has brought attention across gender stakeholders in Tanzania regarding its prevalence. It is a phenomenon which we face every day from household levels to national levels. It is a topic on which there is a great misunderstanding and belief that, women and men are not equal because of patriarchy practices and societal structures. Such gender roles and patterns have placed women and girls vulnerable to the situation and practices in several communities. In Tanzania, GBV has been one of the thematic areas for various non-state actors such as civil society organizations (CSOs), non-governmental organizations (NGOs), and donors collaborating to fight against the rampant phenomenon.

The Women's Legal Aid Centre (WLAC) collaborating with the Norwegian Church Aid as among of the non-state actors took one of the significant steps introducing free legal assistance to help survivors of GBV and other gendered injustices. The organizations have been working through training paralegals to provide services to women and girls in rural areas and up country. The motives behind WLAC using the paralegals, it was noted that most of the survivors and victims of GBV and other gendered injustices are incapable of handling legal fees and are facing scarce number of lawyers for help. The study explores the roles and actual changes brought by the paralegals to women and children and how the communities perceive their presence on fighting GBV and other gendered injustices in Tanzania.

This study was qualitative in nature conducted in Tanzania from June to mid-September in four regions namely Dar es Salaam, Mbeya, Iringa, and Manyara. The study involved different methods of data collection. Such methods include semi-structured interviews, focus group discussions (FGDs), participant observations, and review of secondary data. The findings of this study showed that many beneficiaries had benefited from the paralegal services. Different views were reported on the presence of the paralegals in the community.

The study concluded that the problem of GBV and other gendered injustices is a wide spread phenomenon in Tanzania which needs extra tackling initiatives. There is acknowledgement from different ways proving that GBV has severe harm to many women and girls. Therefore, paralegal services should be expanded and given formal recognition to provide legal assistance to many survivors of GBV and other gendered injustices in Tanzania.

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List of Abbreviations

ACCION **Americans for Community and Co-Operations in Other Nations**

BAKWATA **Baraza Kuu la Waislamu Tanzania**

CBOs **Community-Based Organizations**

CCM **Chama Cha Mapinduzi**

CDC **Centres for Disease Control**

CSOs **Civil Society Organizations**

ELCT **Evangelical Lutheran Church in Tanzania**

FBOs **Faith-Based Organizations**

FGDs **Focus Group Discussions**

FGM **Female Genital Mutilation**

GBV **Gender-Based Violence**

HDT **Human Development Trust**

HakiElimu **National Local NGO working in Education Reforms**

IDIs **In-Depth Interviews**

IFIs **International Financial Institutions**

IMF **International Monetary Fund**

INGOs **International Non-Governmental Organizations**

KIPU **Kiteto Interfaith Paralegal Unit**

KPU **Kyela Paralegal Unit**

LHRC **Legal and Human Rights Centre**

MBEPAU **Mbeya Paralegal Unit**

| | |
|----------------|--|
| MDGs | Millennium Development Goals |
| MKUKUTA | Mpango wa Kukuza Uchumi na Kuondoa Umaskini Tanzania |
| NCA | Norwegian Church Aid |
| NER | Net Enrolment Ratio |
| NGOs | Non-Governmental Organizations |
| NSGRP | National Strategy for Growth and Reduction of Poverty |
| PCCB | Prevention and Combating of Corruption Bureau |
| RAS | Regional Administrative Secretary |
| SACCOS | Savings and Credit Cooperatives Societies |
| SAPs | Structural Adjustment Programmes |
| SUWATA | Shirika la Uchumi la Wanawake Tanzania |
| TAMWA | Tanzania Media Women Association |
| TCRS | Tanzania Christian Refugee Services |
| TDHS | Tanzania Demographic and Health Survey |
| TGNP | Tanzania Gender Networking Programme |
| UNFPA | United Nations Population Fund |
| UNICEF | United Nations Children Fund |
| URT | United Republic of Tanzania |
| USD | United States of America Dollar |
| UWT | Umoja wa Wanawake Tanzania |
| WB | World Bank |
| WCRP | World Conference on Religious and Peace |

| | |
|---------------|----------------------------------|
| VEO | Village Executive Officer |
| VICOBA | Village Community Banks |
| WDF | Women Development Fund |
| WID | Women in Development |
| WLAC | Women's Legal Aid Centre |

CHAPTER 1: INTRODUCTION

1.1. Background of the Study

Gender-based violence (GBV) is a culturally embedded phenomenon existing in patriarchal systems in most African societies. It is a phenomenon that has affected women, not only in terms of their health and access and control over resources, but also their dignity as human beings who deserve obeisance. Reducing, and subsequently eradicating, GBV and gendered injustices has been a priority for states as well as national and international organizations. This was triggered by the fact that the efforts taken have not ameliorated women as much as men against different forms of oppression and subordination.

Tanzania has established different initiatives and gender tools to transform the position of women since independence in 1961. Gender equality has been part of state policies and major plans such as Women in Development (WID) policy of 1992 have been put in action (United Republic of Tanzania, 1992). Through gender equality initiatives, the government of Tanzania has enacted laws pertaining to women's dignity, property, and sexual rights (United Republic of Tanzania, 2005, p.9). The intent has been to enable the public at large, political parties, non-governmental organizations (NGOs), experts, and government institutions to understand the significance of integrating women's matters into all sectoral development. Emphasis has been on promoting women's abilities and talents in order to enable their participation in development and decision-making.

Socially; the government has focused on mainstreaming of gender, gender training, women's health access, family planning and girls education. Among such initiatives were a reproductive and Child Health Strategy for the year 2004-2008 and adoption of Tanzania Global Health Strategy 2010-2015 devised to intensify interventions in maternal and childcare (United Republic of Tanzania, 2005, p.19; URT, 2010, p. 15-16). Also through Millennium Development Goals (MDGs) implementation targets there is an increase in net enrolment ratio (NER) near gender balance in education sector from 50 % in 1990s to 95% in 2010 (URT, 2011, p. 16).

Economically; there has been a focus on increasing access to micro-credits and creation of small enterprises. The intention is to raise the status of women in decision-making at household level and in the nation at large. Among these strategies was formulation of Women Development

Fund in 2000 (WDF) supported by the government through National Gender Machinery and complemented by Local Councils and establishment of Tanzania Women's Bank¹ (URT, 2005, p.12). Also the government has reformed and restructured its financial lending policies permitting more NGOs and private banks to offer credits of low interest rates to women. Such efforts involve adoption of the Credit-Project Approach from Bangladesh, the Americans for Community and Co-Operation in Other Nations (ACCION), the Savings and Credit Cooperatives Societies (SACCOS), and other financial NGOs (Ssendi and Anderson, 2009, p. 6-7).

Politically; there has been an increase in special seats for women in the National Assembly and in their participation in decision-making generally. Strong support of various women's political organizations, collaboration with civil societies, training, and capacity building has increased political empowerment. Women's representation in parliament and in local authorities increased from 25 percent in 1995 to 33.3 percent in 2000 (WLAC, undated, p. 9; United Republic of Tanzania, 2005, p. 14). This has provided voice to women and increased their access to political rights through decision-making and direct participation in politics.

Despite the achievements, GBV and other gendered injustices are still widespread in Tanzania. Gender disparities coped by cultural practices, societal attitudes and power relations are linked to the current situation and cause fundamental problems to women and girls. Many women are discriminated against due to social structures underpinned in patriarchal relationships. Human Development Trust (HDT) (2011, p. 2-9) report states that violence against women and actions which perpetuate GBV still persist in Tanzania as in many sub-Saharan African countries. Female Genital Mutilation (FGM), early marriages, inheritance problems, rape, battery, lack of adequate education, economic violence, and many more injustices condone many girls and women.

The problem partly seems to be rooted in social structures amplified by the gap in national policies and laws. For-example, customary law discriminates women in terms of access, control and inheritance of land (Tsikata, 2001, p.9). Despite the presence of clauses in the constitution of the United Republic of Tanzania of 1977 which states that implicitly, it safeguards gender

¹ <http://www.globalpowerwomennetworkafrica.org/wp-content/uploads/2012/05/Economic-empowerment-in-Tanzania-The-case-of-the-Tanzania-Womens-Bank-Limited.pdf> accessed on 02 May 2013.

freedom, security of life, right to ownership of property and productive resources, right to work and to receive the fruits of that work and right to education to one's desired level (United Republic of Tanzania, 1992, p. 1); the country has not been able to safeguard women's freedom, and let them enjoy economic, social, political and cultural fruits. Tanzania Demographic and Health Survey (TDHS) report states that in 2010, 50% of every married woman had either experienced physical, emotional or sexual violence from their husbands (HDT, 2011.p. 5). This suggests that even when women gain a degree of political and economic awareness, their power remains limited and they remain constrained by the societal structures. The phenomenon signifies the existence of gender inequities in Tanzania as it has in many other Sub-Saharan African countries (HDT, 2011, p. 5).

1.2. Statement of the Problem

In Tanzania and across the globe women have endured, and still endure subordination, domestic violence, discrimination, and other forms of injustices. Violence against women and girls, discrimination and life threats, is prominent in Tanzania (United Republic of Tanzania, 2009). One reason why GBV is thriving is the women's insufficient access to legal assistance. This has captured attention of both local NGOs and International Non-Governmental Organization (INGOs) and motivated them to act against gender related crimes and other gendered injustices. In the process, state, civil society organizations (CSOs), and INGOs have identified GBV as a main enemy to women and girls freedom and rights.

Over the past two decades, NGOs focusing on legal activities have mushroomed in the African region (Poulsen, 1995, p. 11). An increasing number of NGOs are working on provision of legal aid assistance and awareness building towards survivors of GBV and other gendered injustices. By means of training a new cadre of paralegals, legal aid assistance has been promoted by many NGOs working on issues related to gender. The paralegals are working to challenge gendered power relations and juridical challenges which obstruct women and girls to obtain justice and rights. This study explores the role of the paralegals in tackling Tanzanian women's juridical challenges, and how the communities perceive their efforts.

The United Nations Declaration on the Elimination of Violence against Women Article 2 of the Declaration has defined the term GBV as to an act that, "should encompass, but not be limited to acts of physical, sexual and psychological violence in the family, community, or perpetrated

or condoned by the State, wherever it occurs. Those acts include: spousal battery, sexual abuse, dowry-related violence, economic violence, rape, female genital mutilation (FGM), forced prostitution, inheritance, sexual harassment and violence, child trafficking, denial of family maintenance, and the like” (UNFPA, 2011, p. 6).

Paralegal can be defined as a person “qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity who performs specifically delegated substantive legal work for which a lawyer is responsible, and in the absence of such assistant, the lawyer would perform the task” (Brittain and Hull, 2003, p. 35).

1.3. Organization of the Thesis

This study is organized into nine chapters. Chapter one covers the introduction which presents the topic of the study and states the problem in focus. The second chapter articulates the context of the study by pointing out relevant social, economic, political, and cultural aspects of Tanzanian society. Also, the chapter provides a historical background of NGOs’ involvement in fighting GBV and other gendered injustices, and laws regulating their existence. Further, the chapter encompasses the objectives of the study. The third chapter reviews literature on the subject matter and explores how other scholars perceive the situation of GBV and paralegals in the world and in the Tanzanian context in particular, and identifies the research gaps covered in this study. The fourth chapter presents the theoretical frameworks used to inform the analysis of the study. Two approaches are used to describe the scenario of GBV and paralegals in Tanzania. The fifth chapter examines the methods and techniques used to collect and transcribe data. The sixth chapter presents the findings on the interplay between the Women’s Legal Aid Centre (WLAC) and the Norwegian Church Aid (NCA) and explores bases of their partnership. The seventh chapter presents the role of paralegals and their performance in the field. Also, it demonstrates the challenges faced during service provision and the community’s perception of their presence. The eighth chapter articulates the beneficiaries’ perceptions of the assistance of the paralegals, and presents some success stories. The chapter indicates the actual changes brought about by paralegals since the introduction of the programme. The ninth chapter recaps the findings and provides suggestions, recommendations and areas for further research.

CHAPTER 2: CONTEXT OF THE STUDY

2.1. Introduction

The United Republic of Tanzania is a political union of two semi-autonomous countries which was formed in 1964 from the former Tanganyika and Zanzibar (made up of Unguja and Pemba Islands). After the establishment of the union it was followed by the first multiparty election held in 1965 (Haapanen, 2007, p. 4). The election resulted to the constitution amendment that established one party rule as a process to build freedom and unity. The political atmosphere was restrictive, and did not accommodate NGOs and CSOs. Only charity groups considered apolitical were allowed to operate.

After independence, Tanzania embarked on the radical struggle to build society guided by the principles of equality and equity as stipulated in the Socialism and Self-Reliance Policy of 1967. The establishment of the Ujamaa (socialism) society and a welfare state envisioned by President Nyerere dominated all processes of development. Towards implementation of the Ujamaa principles people were compelled to move from urban to rural areas under Villagization Policy of 1973-1982, and the government adopted an improvement approach that replaced modernization approaches and focused on self-help to people as an avenue to equal social standards for all (Hanak, 2009, p. 28).

However, many critiques arose of the socialist policies championed by President Nyerere, where people were arguing that the policies had worsened lives of many people in rural areas. As result, many youth slowly began to migrate into urban areas. Malfunctioning of the government became a common phenomenon and the government was accused of being corrupt and denying freedom of association. In the era of those critiques, in the mid 1980s, World Bank (WB) and International Monetary Fund (IMF) issued a recovery programme to boost the economies of Third World Countries which came to be known as Structural Adjustment Programmes (SAPs) (Mercer, 2003). Privatization, introduction of multiparty systems, market driven economies, and downsizing of the public sector by reducing the role of the state were widely implemented under SAPs (Haapanen, 2007, p. 4). In the beginning of 1990s, development analysts and practitioners, academicians and researchers, and the states in global south joined in a broad criticism of the impacts of SAPs. It was said that SAPs represented discontinuity in development discourse (Mercer, 2003, p. 743). The neo-liberalist ideology at its

base insisted on an increase of the position of non-state actors in service provision, that the state was diminished, and the implementation of policies and decisions were guided by foreign donors and non-state actors. Since then, CSOs NGOs and donors play parts in policy formulation, decision-making and service provision as a way to bring services to people while keeping the state small. This system, where non-state actors play the role of the state in decision-making and policy formulation, was known as the *governance approach*. This approach was developed by neo-liberalists within the SAPs paradigm. Their aims were to reform institutions and promote non-state actors in decision-making to make the state accountable and to make it work in transparent manner. The governance approach as had a lot of influence on the Tanzanian political system since the 1990s, and constitutes an important backdrop for the activities of WLAC and NCA, the two NGOs discussed in this thesis.

In the mid 1980s to 1990s as the governance approach gained influence in Tanzania many activists enthusiastically took efforts to champion for organizational space and a strong bond between the state and NGOs in Tanzania emerged as a result (Shivji, 2004, p. 692). Many of these advocacy organizations obtained a role in policy dialogue and development frameworks and changed the whole development discourse (Hanak, 2009, p. 22). As part of the governance system the interaction between foreign donors and Tanzania took new direction by welcoming many NGOs. This is the context NGOs like WLAC and NCA came into prevalence in Tanzania.

Many of NGOs played a role of creating awareness to the public on corruption; provide legal aid and training; mobilization of citizens to participate on development programmes and policies, and issues related to gender equality (Haapanen, 2007, p. 9-10). Considering the presence of many NGOs and CSOs in Tanzania, women movements are more visible than other NGOs. Many NGOs and gender networks have engaged fully in policy making and raising legal awareness (Haapanen, 2007, p. 9). Gender, GBV and gendered subjects today are more visible to the media. It is remarkable achievements. However, the challenge remains to the NGOs that many people consider that CSOs and NGOs are created to serve the interests of the founders.

2.2. Laws Regulating Scope of NGOs

The legal status of NGOs in Tanzania has changed over the years. During colonial times, only a few cooperative movements were allowed, notably apolitical. After independence in 1961,

freedom of civil movements lasted only for short time. The reason behind this move by President Nyerere was to build unity and self realization to Tanzanians by dismantling all colonial attitudes which operated under divide and rule strategy. In the mid-1980s and 1990s Tanzania took political reforms under pressure from the International Financial Institutions (IFIs). Slowly, legal framework to allow CSOs and NGOs began to evolve. For the first time NGOs were legally recognized in 2002 under NGO Law (Haapanen, 2007, p. 6). The 2002 NGO Law obliges NGOs to be registered with a state NGO Board; their refusal could lead to one year imprisonment punishment. And the law also states that if the NGO would operate against public interest may likely to be denied registration. Furthermore, the law gives power to the president of Tanzania to appoint the director of NGO boards and allows the government to set rules that guide the demarcation of operation in which NGOs have to act². This implies that even when NGOs are working to provide services to people are still constrained to not exercising freedom as much as per principle of freedom of association.

The history of donors and NGOs in Africa traces back from liberalization policies mid 1980s. There are no CSOs or NGOs which are economically sufficient and free from donor influence (Shule, 2008, p. 4). Like in many African states, foreign donors have great influence on operation of CSOs and NGOs. Foreign donors continue to play a role in funding most of the local NGOs. Haapanen (2007, p. 7) argues that among registered NGOs and CSOs there are almost 90% who are funded by donors. There is no direct financial assistance from the government; rather multilateral organizations and international aid agencies link Tanzanian CSOs and NGOs to funding sources.

2.3. Economic Situation

Tanzania is one of the world's poorest economies in terms of per capita³. The main economic activity is agriculture which employs more than eighty percent of income population, and contributes significantly to the country's economy. Other sectors such as mining, industry, and fishing supplement agricultural outputs. The country's economies do not benefit people equally especially, from mineral sector. In the present situation, economic pattern reflects the social organization of gender roles. However, most people who engage in agricultural activities are

² http://www.demcoalition.org/pdf/31_Tanzania.pdf accessed on 02 May 2013.

³ http://www.theodora.com/wfbcurent/tanzania/tanzania_economy.html reviewed on 23 March 2013.

women. Patriarchal conceptions still define women as producers for their husbands' families. Tanzania remains highly dependent on foreign aid, where forty percent (40%) of the budget comes from donors (Duursma, 2007, p. 3). Tanzania has been undertaking social and economic initiatives to reform its economy focused at establishing favorable conditions for sustainable development. Programmes such as National Strategy for Growth and Reduction of Poverty (NSGRP) clusters I (2005-2010) and II (2011-2015) commonly known as Mpango wa Kukuza Uchumi na Kuondoa Umaskini Tanzania (MKUKUTA I and II), National Development Vision 2025, Millennium Development Goals (MDGs) 2015, and many more are geared at strengthening the national economy. With regard to gender and economy are still on debate in Tanzania. Most economic development programmes and projects inculcate gender aspects from planning to implementation process. However, parts of the female population, particularly in rural areas remain largely unassisted by state and NGO development programmes.

2.4. Cultural Situation-Power Relations and Patriarchy

Tanzania comprises more than one hundred and twenty multiple religious and ethnic tribes mostly speaking Bantu languages (Fluet, et al. 2006, p. 3). People tolerate to each other in terms of freedom of worship. However, recently the interreligious relations between Muslims and Christians have deteriorated following events of burning church buildings and killing of clerical leaders. With regard to kinship ties, Tanzania is highly influenced by patriarchy. However, few areas of central- eastern and southern parts still practice matriarchy. Patriarchy is a system of social structures and practices in which male dominate women by oppressing and exploiting them (Johannsdottir, 2009, p. 1). Social structures and practices are practiced where, men are dominant and women are subordinates. Position of women in Tanzania varied according to time and from one ethnic group to the other. In pre-colonial era, customary system was strong, women's rights in both legal and administration positions were disregarded (Myenzi, 2009, p. 4-5), control and ownership of resources was determined by traditions and customs of given tribes. The role of women is to produce and reproduce for the husband's lineage (Mbilinyi and Shundi, 1999, p. 55-56). Practices such FGM, inheritance, dowry confrontations, and many more condone lives of women and girls in Tanzania.

2.5. Justification of the Study

The selection of the problem was due to number of reasons. Firstly, GBV is a highly contested issue as well as a very popular topical subject matter in Tanzania as to many other developing countries. Since 1975, interest has increased to ensure gender inequalities and discrimination does not hinder opportunities by incapacitating women in decision-making. Many NGOs and civil societies are working hand in hand with the state to ensure gender equity by reducing inequalities.

Secondly, paralegals are a new institution; studies showing what they do and who are they are scanty. Even if some studies have been written about paralegals' roles, there is little evidence showing how they have been working to fight GBV and other gendered injustices. This has hindered chances to be recognized as part of the actors who bring justice to the poor. Studies conducted in Tanzania on paralegals tend to focus only on the challenges and performances of the paralegals; they do not focus on GBV and other gendered injustices. Recent studies indicate that even though paralegals have taken on a lot of development challenges and offered ameliorations to GBV, little evidence shows on how paralegals are perceived by the community on their efforts to tackle gendered power relations and hegemonic masculinities.

Thirdly, the role of WLAC in training paralegals as a way to address GBV has been partially researched from the perspective of the challenges and successes of the beneficiaries of the project. Thus, there is little evidence showing to what degree the new institution of paralegals fighting GBV had shown positive results and become of help to women and girls trying to acquire their rights. Therefore, further research is needed to contextualize the role of the paralegals in Tanzania towards fighting juridical challenges and ensure justice acquisition to women and girls.

Fourthly, there is a need to explore more on what paralegals do by understanding the community's perceptions of their presence. What should be noted is that there is lack of knowledge on what they do and who they are in the communities. For all these reasons it is important to highlight and value the efforts shown by the paralegals institution towards fighting GBV and other gendered injustices in Tanzania.

2.6. Contribution of the Study

This study explores a significant topic within the gender and development issues in developing countries like Tanzania. Exploring how paralegals contribute to fighting GBV, the study reveals and examines factors perpetuating gender crimes in Tanzania. This has enhanced women access to justice, and help women becoming more aware of their rights through education and lobbying provided by the paralegals.

The knowledge produced via this study is useful to Tanzania in the area of the paralegals. Revealing WLAC's efforts as an NGO specialized on assisting women and girls encompassing children in legal issues, through paralegals may be useful to other NGOs that think of integrating similar measures in their policies to help women finally curb the problems of GBV and other gendered injustices. Further, the findings of the study will help policy makers, development partners and practitioners, NGOs, donors, state and other service providers to recognize the role of paralegals and their contributions to the legal system.

2.7. Purpose and Objective of the Study

The goal of the study is to explore the intended and actual role of the paralegal services, their trainings and practices toward fighting gender based violence and other gendered injustices in Tanzania. In detail the study focuses on the following specific objectives:-

- To explore the cooperation between an (I) NGO, NCA, and a national NGO, WLAC, in bringing about paralegal services to women and girls in Tanzania.
- To investigate the selection process and criteria used by the two NGOs to train paralegals.
- To find out the benefits of paralegal services toward gender-based violence (GBV) and other gendered injustices.
- To explore the local public's knowledge of the presence of the paralegal services.
- To explore how paralegal services are assessed by members of the community (women/girls, men).

CHAPTER 3: REVIEW OF LITERATURE

3.1. Introduction

Considering women's and girls' experiences on discriminative practices such as domestic violence, trafficking, sexual abuse, incest, female infanticide, prostitution, genital mutilation, battery, rape, torture, desertion, economic violence, deprivation of inheritance, and many other issues, gender-based violence (GBV) seems to be a rampant phenomenon. The phenomenon has drawn attention among states as well as gender stakeholders from local and international organizations over the past four decades. Evidence suggests that the international community has strongly expanded operations to strengthen initiatives to tackle the problem. Such initiatives taken include the establishment and formulation of gender policies, resolutions, legislations, and legal institutions focusing on addressing the problem.

The complexity of the phenomenon has been attributed to social, economic, and political structures which are gendered in nature and a continuation of traditional norms and cultural assumptions which treat GBV as a family matter (Izumi, 2007, p. 11-15). Such practices have impeded women's rights to involve themselves in development programmes. This chapter first will present a review of literature exploring the concept of GBV and how the Tanzanian government addresses the gendered challenges that face women and girls. Secondly, the chapter focuses on the role of the gender-based NGOs in Tanzania towards bringing juridical assistance to the poor. Thirdly, as portrayed in literature, the chapter explores the concept of paralegals as a new ground-breaking institution in fighting GBV and institutional challenges that face women and girls.

3.2. Gender-Based Violence (GBV)

According to Saffitz (2010, p. 85-86) GBV as a phenomenon is entrenched culturally. The phenomenon in Tanzania seems to be related to gender roles that are determined by patriarchal practices, where men control various decisions over women. A study conducted in Kilimanjaro reveals that the question of inheritance is traced through fathers. Men have more power in decision-making, thus devaluing the status of women (Saffitz, 2010). Freccer et al (2011, p. 2) further argue that to understand violence against women it is important to understand the interaction of individuals, context and socio-cultural factors, because the gender norms of a given community may limit the ability of victims to exercise their freedom. An important point

to bear in mind is that to understand GBV one has to look at the social, economic, political, and cultural practices of a given community.

According to Baldasare (2012, p. 1) despite that GBV is considered a rampant global phenomenon, it is highly status-dependent. Marginalized groups such as women, children, minorities, and refugees are more at risk than men. Baldasare (2012, p. 1) citing Terry and Hoare (2007) further writes that GBV originates from power imbalances between men and women that are maintained at different levels like the household, community and state. Those power imbalances are the ones that maintain such gender inequities and women discrimination.

According to Tripp⁴, despite the fact that there is the presence of many practices which subordinate women, on the other hand there are strong coalitions and alliances in Africa through networks and NGOs working together to raise the status of women from household to state levels. The networks and NGOs cover East, Central, and Southern Africa. Many of those women's movements are committed to protecting women from discrimination and subjugation in different settings. It is further argued by Betron (2008, p. v, 10) that the Tanzanian government has made some tremendous changes in terms of law and policy in preventing and punishing GBV-related crimes. There has been a remarkable achievement in the institutional reforms where in each ministry it has been made a focal point to consider gender. Furthermore, the government has enacted laws which strongly criminalize all actions related to GBV. Such laws include a revised Marriage Act of 2002, Land Act and Village Land Act of 1999, and Sexual Offenses Special Provision Act (SOSPA) of 1998 (Betron, 2008; McCleary-Sills et al, 2013, p. 10-12). The Tanzanian government's key role has been to establish a good atmosphere and environment for the implementation of mechanisms where awareness and empowerment of women have increased. Thus, social, economic, political, and cultural transformations are witnessed in many communities as result of these efforts.

⁴ Tripp, Ailli. "Women's Movements, Customary Law, and Land Rights in Africa : The Case of Uganda ." African Studies Quarterly 7, no.4: [online] URL: <http://web.africa.ufl.edu/asq/v7/v7i4a1.htm> accessed on 04/04.2013.

3.3. Gender Based NGOs in Tanzania

According to Haapanen (2007, p. 4-5) the origins of NGOs and CSOs go back to the 1920s in Tanzania during British colonial rule. Most of these organizations were established to secure servant's rights and land ownership, many working as cooperative movements. During that time, the situation kept changing in response to the needs and demands of the people. Several of NGOs and CSOs emerged with intense mass movements prepared at challenging colonialism and oppressive laws. Haapanen (2007, p. 4-5) further argues that a similar trend continued even after independence in 1961; the change of constitution in 1965; the introduction of privatization policy in 1980s and finally in early 1990s when we witnessed the proliferation of many CSOs and NGOs. It is in the same spirit of activism, movement and pressure of civil societies, most of the gender-based NGOs emerged in Tanzania. Many of these CSOs work in different areas and focus. Few of them are international like Oxfam, while many are locally based such as: Women's Legal Aid Centre (WLAC), Tanzania Gender Networking Programme (TGNP)—which is the biggest national gender NGO in Tanzania—Legal and Human Rights Centre (LHRC), and they are grouped as faith based organizations (FBOs) or community-based organizations (CBOs) (Haapanen, 2007).

According to Mercer (2003) despite the fact that in recent year human and women's rights civil societies show improvements in development, their existence is often critiqued. The idea behind the critiques according to Mercer (2003, p. 747) is that most of them are viewed "as the only game in town." This implies that many of the civil societies are formed and established for business interests. On the other side of the coin it signifies that if the civil societies are successful, they are mostly donor funded and act as the right hand of INGOs and multinational cooperations. For this reason, to be in the state policy structure, they limit the power of the state which is the duty bearer to serve the interest of its citizens through continued domination in a democratic way (Mercer, 2003, p. 748). This is supported by Shiviji (2004, p. 689-690) arguing that many of NGOs are elite based, top-down and are accountable to the donors. This has continued to press and question the role of many NGOs in Tanzania, while some gain recognition others are questioned.

According to Mason (2011, p. 9-11) and Haapanen (2007, p. 5) regardless of whether NGOs are a recent phenomenon in Tanzania, they stand as the main actors engaging fully in the public, media, and policy formulation and interact with donors, with many taking the responsibility of

the state. Many of them have championed women's movements and provide legal services. A TGNP report (2010, p. 8-10) shows that their engagement has increased awareness of women at the grassroots level, through an economic justice campaign and gender festivals. As a result the actions have increased the number of legal assistance beneficiaries by connecting survivors of GBV to WLAC and LHRC. These NGOs involve themselves in addressing a wide range of issues like lobbying, advocacy, legal aid, and capacity building. Haapanen (2007, p. 6-7) further argues that many CSOs and NGOs have established strong networks of cooperation, and many are legally recognized according to the Societies Ordinance of Tanzania. Further recognition comes from the NGOs Act of 2002. Most of these NGOs have networked and become bigger allies working on women's and human rights such as TGNP and WLAC. Recently those networks and coalitions are found also at the district level to be influential and powerful in state policies.

According to Mercer (2003, p. 747-748) as many NGOs and CSOs work as partners and actors their performance and engagement in development are unsatisfactory. The critiques have emerged out of association, affiliation and performance. As important ingredients and catalysts to performance, many CSOs control decision-making from policy formulation to implementation. The question of affiliation with external funders has affected their performance as independent entities as we saw in *chapter 2* NGOs legal framework. Equating the objectives of the NGOs, some have been criticized as agents of western INGOs and ended up getting obstacles from state and local authorities. Mercer (2003) further argues that many local NGOs are seen as supporters of elite interests and enjoy little autonomy on policy making at the state level. This is to say, they are seen as the right hand of the international and multilateral organizations espousing conditional ties toward access to resources from International Financial Institutions (IFIs). In relation to GBV, it has been difficult for the NGOs to work and document effectively the rate of the problem, because of the institutional constrains. According to Mercer (2003, p. 747) the presence of many NGOs as actors and policy-makers and their performance and existing partnership is merely there to legitimate continued structural adjustment. They have assumed a different role which does not belong to them and fail to play the role which they were supposed to play.

According to Orvis (2003, p. 248) working in the nearby country of Kenya the groups which act as engines of democracy and good governance in Africa are weak. The claim is that many of the

CSOs have little domestic constituency in which they exist and are driven primarily by serving the interests of providers who keep doors open. Orvis (2003, p. 248) maintains that many of those organizations are elite and urban-centred, not playing the role of bridge towards the less educated and rural majority. This implies that there is little connection between rural and urban, and even when there is; they still maintain “the divide between urban ‘citizen’ and rural ‘subject’ (Orvis, 2003, p. 248). Haapanen, (2007, p. 6) supports the argument that there is a gap in the presence of CSOs and NGOs. Their presence is determined by geographical location, economic performance, and popularity. For instance, many CSOs and NGOs are found in Dar es Salaam, Zanzibar, Arusha, and Kilimanjaro which are urban and economically well-off. Places like Lindi, Singida, and Shinyanga tend to have fewer NGOs because of their poor economic performance and more rural situation which does not attract investors. Although many NGOs and CSOs focusing on human rights have worked day and night in Africa, many of them are found largely in urban areas.

Philips (2011, p. 235-237) found that following the warning of HakiElimu in Tanzania as NGO seeking reform in education system, the government has brought debate among CSOs and scholars. Inconsistent to freedom of association as guaranteed by the constitution of the United Republic of Tanzania, few NGOs enjoy freedom, and sometimes it takes a very long period of time to register. The state recognizes only registered CSOs and NGOs. The NGOs and CSOs labelled as political even when they advocate for women’s rights and fight against GBV and other injustices usually find it difficult to maintain their registration and operate effectively.

3.4. Paralegals as Institution and its Focus on GBV

The present literature indicates that GBV has drawn attention to many practitioners of development and organizations. We have seen many organizations emerging all over the world dealing with law and legal enforcement as way to fight for justice. Many of those organizations work to improve the status of women by encouraging coalitions and actions from grassroots (McFerson, 2011). Violence, especially, against women and girls is rampant, and other institutions like police and courts are largely incapable of providing assistance to poor communities. New informal legal systems have emerged to buffer the gap. These systems are ‘paralegals.’

According to Maru (2006, p. 429), paralegal institutions exist of different types in Africa, Europe, North America, Latin America, and South and East Asia. While in Scotland it took its place in academic and research institutes, in England in recent years it has become a widespread training taking place to enable justice in commercial areas, local authorities, and debt recovery (Ferla, 2007, p.224). The paralegal aspect has marked a tremendous change in legal firms and societies all over the world. From the start of the programme, paralegals have worked on two levels: one is by providing legal and human rights education by lobbying and representation, and two, by challenging the formal legal system and exposing it to be expensive, sluggish, and corrupt.

According to Poulsen (1995, p. 36) over the past twenty five years in Africa, new conceptual and operational tools grounded in projects and programmes like legal aid and mobile clinics have been introduced in many areas. GBV has been an overarching challenge for the new institution of paralegals. Recognizing GBV practices and the meanings attached to the problem, non-state actors like legal CSOs and other legal NGOs working on women's rights have emerged and prioritized the phenomenon. It was imminent at the beginning that the failure of the state to provide legal protection and maintain justice produced a gap in government performance, thus '*hollowing out*' state power. Therefore, paralegal services have been an outcome of the mushrooming of different NGOs working on human rights, and acting as buffer between the states of developing countries and their local communities. Poulsen (1995, p. 36) maintains that almost in every city in African countries it "is possible to find a legal aid clinic which provides free counselling and legal aid for marginalized and disadvantaged women." The main role of the paralegals is to assist people—in particular women and girls—to get rid of gender violence and secure their rights. Poulsen (1995, p. 36) holds that many of these paralegals operate in rural areas by means of established mobile legal clinics. The main focus is on women and girls by providing legal information and awareness-building regarding their rights and which actions to take when they face problems related to gender-based crimes.

According to Heyzer (1998, p. 17) the motivation behind using paralegals was that 'roughly 60 million women who should be alive today around the globe are 'missing' because of gender discrimination.' Heyzer (1998, p. 17) continues to argue that 'in every nation, violence or the threat of it, particularly at home, reduces the range of choices open to women and girls and narrows their options in every sphere of life public and private-at home, in school, in the work

place, and in most community spaces.’ According to Banik (2009, p. 118) regarding people who are living without legal protection, this has resulted in paralegals focusing on local complexities such as land rights, the capacity of the formal judicial system to survive alongside customary law, and the role of certain collective rights among indigenous groups. This implies that the aim of paralegals broadly is to conceptually go beyond the normal formal legal system by providing the poor with free assistance. The paralegal approach links the affected and the service providers as a response to the gaps in various state laws created by power imbalances and social structures. It is expected that putting gender patterns into practice, human rights NGOs and paralegals should act as the main engineers of change. So to speak, CSOs should act at the centre as role model. Poulsen (1995, p. 38) argues that ‘the multitude of clients at legal aid clinics indicates that this is an alternative which women are ready to use.’ Heyzer (1998, p. 17) goes further by saying that in the meantime, the overarching priority is to ensure that protection mechanisms are in place. The institutions have to ensure women’s safety, and respond appropriately to cases of abuse by bringing perpetrators to justice and offering medical and legal remedies to survivors.

According to Maru (2006), in spite of the paralegal institution being found in different nations, its limiting factors are similar everywhere. Maru (2006, p. 429) further argues that with regard to the diversity of the existing initiatives, paralegals have received little attention from legal scholars and other major institutions involved in human rights and development. The legal studies have not established a suitable definition of the paralegal approach to justice services. As a result, paralegals remain constrained by many problems affecting their performance when providing services. It is argued further by Ishengoma (2011, p. 25) that such problems are related to paralegals’ training, limited knowledge in legal issues, and lack reliable infrastructure such as offices. Many of the existing legal institutions have challenged the new cadre as a barrier towards justice acquisition. For example, there is no bill which legitimizes the recognition or presence of paralegals in Tanzania, although there is in countries like Zimbabwe, Sierra Leone, and Republic of South Africa.

According to Orvis (2003), in Kenya the paralegal programmes have gained new insight and developed new concepts in gender and development among scholars and practitioners; the programme has mobilized, identified, and trained enough rural citizens, who involve to educate various communities over their rights. Orvis (2003, p. 250) further argues that while the

programmes seem to be quite new, the programmes at both the local and national level have still benefited many citizens on legal and political rights issues. The programme has contributed to communities reconciling existing disputes, challenging the malfunctioning of local authorities by revealing corruptions and brutal actions.

Izumi (2007) explains that the question of the success or failure of legal aid or reform needs to consider community perceptions and changes. It shows that no matter what form legal reform may take, if enforcement mechanisms do not work, the programme will not bring impacts. Izumi (2007, p. 14) further argues that because most women in rural areas ‘depend on customary law for their inheritance and property rights,’ the question of property ownerships as their right is contradictory and still tense. Women, in particular widows, ‘are often considered by men to be a threat to social stability’ (Izumi, 2007, p.14). In this context the presence of legal aid or legal reform may not be a solution to fight GBV. It is undeniable that ‘legal reform does not necessarily improve the situation if there are no enforcement mechanisms and if legal assistance and support services are not affordable or accessible for women’ (Izumi, 2007, p. 14).

Inadequate knowledge on the presence of paralegals in the community and the role of NGOs remains a challenge. As discussed above in the context of Africa and Tanzania in particular, the prevalence of gender discrimination contributes to small number of women and girls facing GBV and other gendered injustices accessing legal services. This has resulted in many women and girls experiencing suffering, marginalization, and subjugation for a long time. The other complex phenomenon which guided this study is local people’s perception of paralegals established in their communities.

3.5. Research Gaps

As the literature review attests, the role of NGOs and paralegals in addressing GBV has been partially studied but not fully covered regarding the challenges and successes from the point-of-view of the beneficiaries. Thus, there are few studies showing to what degree the new institution has become of help to women and girls who acquire their rights, and in which ways. Therefore, further research is indeed needed to contextualize the role of the paralegals in Tanzania towards fighting juridical challenges and ensure justice acquisition to women and girls.

Because paralegal institutions are a new cadre, little attention is drawn to them. Within the public sphere there are misunderstandings on the presence of the paralegal services and little

knowledge on the motivation behind, and selection criteria of, becoming a paralegal. Many people still believe paralegals are government agents and join the institution to sustain their life. Thus, variation in definition and organizations that use paralegals to fight against the discrimination of women and girls, this study fills the gap regarding steps and procedures used to qualify and establish community understanding.

The interrelationship between international non-governmental organization (I) (NGO), Norwegian Church Aid (NCA) and local national NGO, WLAC in relation to paralegal services and fight against GBV has not been fully covered. This study intends to provide with information on the smooth partnership between donor and NGO in relation to war against GBV and other gendered injustices in Tanzania.

Studies conducted in Tanzania about paralegals have centred mainly only on the challenges and performances of the paralegals; they did not concretize and focus on GBV and other gendered injustices and community's assessment on the presence of paralegal services. This study aims to fill this gap.

CHAPTER 4: THEORETICAL FRAMEWORK

4.1. Introduction

In this chapter, the governance approach and hegemonic masculinity theoretical frameworks which guide the study will be presented and discussed. The chapter begins with a description of the governance theory and why it is relevant for the study. In the second section of the chapter, hegemonic masculinity is discussed and why it is an important analytical tool in the study. These analytical tools will help in understanding the role of non-governmental organizations (NGOs) towards bringing juridical assistance to the poor. In addition, the two theoretical approaches are well suited to highlight the juridical and institutional challenges that paralegals face on fighting against gender-based violence (GBV) and other gendered injustices in Tanzania. The governance approach is used primarily in the first two chapters of the empirical findings concerning the role of the Norwegian Church Aid (NCA) and the Women's Legal Aid Centre (WLAC) on training paralegals and the interplay between them. The hegemonic masculinity is used primarily in the third chapter of empirical findings highlighting the difficulties women and girls face as a result of patriarchy and long-term sustained gender inequalities.

4.2. Governance Theory

Starting in the mid of 1970s, the global South witnessed systematic decline of social and economic conditions which culminated into economic crisis of 1980s (Komba, 1999, Ch.1; Grosen and Coskun, 2010, p. 54). Oil shock, scarcity of human needs, poor social services, civil wars, drought, and increased debts weakened the power of states to provide basic needs to their populations. According to Zawalinska (2004, p. 2) many countries were unable to produce for export, decline in output, and weak investments retarded the performance of the state which consorted to product shortages and low quality services. As outcome of those uncertainties, Structural Adjustment Programmes (SAPs) were introduced aimed at creating efficient economies by increasing productivity, stability, and growth (Komba, 1999, Ch.1.; Grosen and Coskun, 2010, p. 54-55; Noorbakhsh and Noorbakhsh⁵). Conditions such as promotion of free market economy, austerity measures, liberalization policies, privatization, devaluation of

⁵ <http://www.uib.es/depart/deaweb/smed/pdf/Noorbakhsh.pdf> viewed on 24 March 2013

currency, and many more were attached to SAPs. Those programmes were designed by the World Bank and International Monetary Fund (IMF) to improve efficiency in production and control inflation in many poor countries primarily focusing on improving living standards. According Zawalinska (2004, p. 4-5) SAPs were introduced at the time when neo classical liberal ideology was dominant insisting on the minimal role of the state where market system regulated the sphere of economic production and human development. There is no consensus on whether SAPs were relevant for economic growth in Africa, but scholars agree that they had adverse consequences. SAPs affected the political performance of the African states, and problems such as increase in extreme poverty and human suffering were common as result of deteriorating social services and decreased state support more generally. To fix the negative consequences of SAPs as outcome of neoliberal policies of 1980s, a new approach was invented being known as 'governance'. The invention of the governance approach was expected to fix social problems created by the Structural Adjustment Programmes (SAPs) in developing countries. In the beginning of 1990s, the new approach opened the door of non-state actors such as CSOs and NGOs as insisted by neo-liberalists state should strengthen private institutions. As an outcome of governance process, massive mushrooming of CSOs and NGOs in Africa occupied the role of the state.

Governance is a contested concept which means different things to different people. The use of the concept varies among scholars, researchers, and different stakeholders. In relation to the present study it is important to explain the concept. According to Rhodes (2007, p. 1247), governance is defined as "a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed". Governance involves networking, interdependence, interactions, and self-organization. According to Peters and Pierre (2000, p. 131) and Doornbos (2001, p. 100), there is multi-level governance of which sub-national and transnational actors and the exchange between them seem to overtake the state, and a non-hierarchical relationship between the state and the other actors occurs as result. By its supporters, the governance system is claimed to promote welfare, citizenship, accountability, transparency, responsibility, and legitimacy in a networking ruler-ship. The figure below describes how the governance approach works.

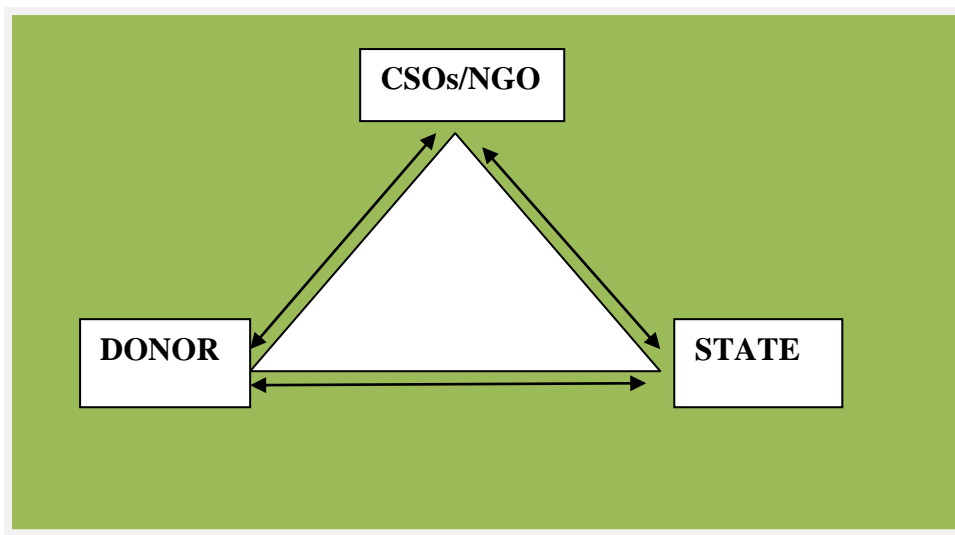


Figure 1.0: The Three Actors in the Governance Approach

Civil Society Organizations/ Non-Governmental Organizations (CSOs/NGOs)

The main tenet of the governance approach lies on the principle of the minimal role of the state which Rhodes (1997) and Doornbos (2001, p.10) call the “*hallowing out*” or dismantling of “*over-developed*” state structures. Instead of power to be centralized, responsibilities and provision of social services are left on the hands of non-state actors which are CSOs and NGOs. According to Mercer (2003, p.741-42) and Stoker (1998, p.17-18) the non-state actors are supposed to work as partners in the spheres of policy-formulation and implementation. Many international and country-based NGOs are currently playing central roles in developing nations, and it is assumed that they are more efficient, non-bureaucratic, uncorrupted, community oriented and service based than the state. They are directly involved in policy-making and decision-making in all spheres of development. It is in this context the WLAC as local national NGO has emerged, as part and parcel of the governance process, working on legal assistance, participating in decision-making, and policy formulation. As a gender-based NGO, they have introduced the new institution of paralegals as initiative and effort to help women and children through legal assistance. WLAC was created as an effort within Tanzanian governance to champion rule of law, transparency, fight corruption, and provide legal aid to women and children and fight GBV and other gendered injustices in Tanzania.

State

The governance approach was developed following the malfunctioning of many African states and the resulting assumption that they were unable to implement principles of good governance. The new approach reduced the role of the state to one of multiple agents which would contribute to rectifying emanated consequences during SAPs (Doornbos, 2001; Streeten, 2002, p. 1; Mercer, 2003, p. 741-742). Stoker (1998, p. 21) argues that as concept, “governance identifies the blurring of boundaries and responsibilities for tackling social and economic issues”. This means that there is power shift from state centered operation model to non-state actors, who to a significant degree take over the role of the state concerning service delivery. The state is no longer at the centre, it means there is polity which Kyar (2011, p. 101) calls “no one centre but multiple centres; there is no sovereign authority because networks have considerable autonomy”. Hence, the core roles of the state in a governance system are to provide the legal framework the actors are to operate within, to stand as the formal duty bearer in relation to the population’s rights, and to participate in policy- and decision making together with donor and CSO actors.

Donors

One of the distinguishing features of the governance approach is the role of donors and their influence on decision-making and policy formulation. Harrison (2001, p. 670) argues that, donors do not manifest through power of money and integration on state’s affairs only; rather they occupy position and influence reform by setting new regulations in the policy process. Mercer and Doornbos (2003, p. 742; and 2001, p.97) write that, external actors play a very important role in the policy formulation processes, institutional development, and state’s internal affairs decisions. Donors stand as funders and ideology engineers, while local non-state actors play the role of implementing those ideologies within the state’s legal framework. At this point, transnational and multinational non-state cooperation influence the sphere of human and social development both concerning ideology, policy making, decision-making, and implementation. With regard to the NCA as a donor it works hand in hand with WLAC. NCA are funding projects like paralegal training intending to provide legal assistance to women and children survivors of GBV and other gendered injustices. Through paralegals, WLAC implements their objectives within the state’s legal framework geared at challenging legal and

institutional issues. The diagram below demonstrates how governance approach works between the three actors:

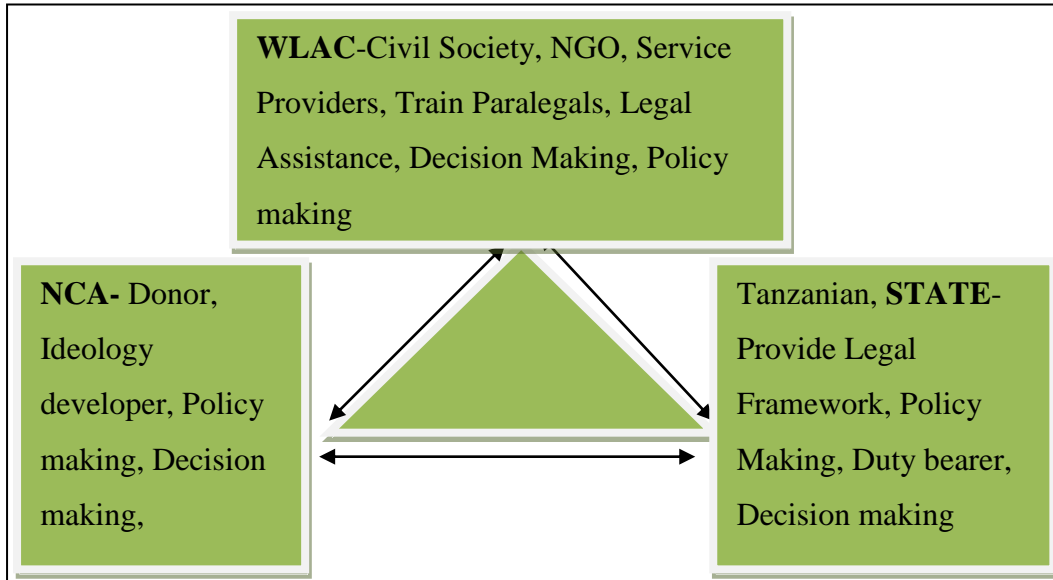


Figure 1.1: The Interrelationship between the Three Actors in Governance Approach

It is assumed that the implementation of the governance system would produce transparency, accountability, rule of law, democracy, and well decentralized government as a result of, the three actors work together on decision making, policy formulation and implementation. This should then in turn impact the beneficiaries of the policy positively. The NCA stands as donor, funding activities related to training of paralegals and village community banks (VICOBA), who works towards the grassroots. WLAC is the national NGO partner of NCA, and trains paralegals who work as service providers and they provide legal assistance to women and children. The Tanzanian state provides legal framework, and is duty bearer to oversee that its people get good services, and is policy maker in collaboration with other actors, like the WLAC and the NCA. Thus, the three actors stand together to provide the public with good services.

Governance as a conceptual framework has relevance to this study. It provides a clear description of how the process of cooperation and partnership that the NCA and the WLAC are engaged in is supposed to work, and of the benefits that are supposed to come out of it for the beneficiaries, in this case women and girls who are survivors to GBV and other gendered

injustices. In this way, it provides both a framework for analyzing these processes and outcomes, and a standard according to which they may be assessed.

4.3. Hegemonic Masculinity

Another perspective that guides the study is what is known as Hegemonic Masculinity. According to Tumwesigye (2009, p. 35) citing Connell (1995), masculinities exhibit into different forms, time, setting, and situations prevailing. In order to have a clear picture of practices of masculinities Connell suggests we have to look at the systems of gender relations (Tumwesigye, 2009, p. 35). This perspective focuses on the power relationships between men and women as well as men and men, where the dominance of some men over women and other men is seen as an outcome of institutionalized social structures. Hence, hegemonic masculinity as a concept is linked to power relations and dominance. There will be multiple masculinities in most societies, but one will emerge as hegemonic and dominate the subordinate masculinities and femininities. For example in Tanzania there are more than one hundred and twenty ethnic groups and each tribe there will have dominant masculinity which emerges as hegemonic. Therefore, that is what Connell describes as hegemonic masculinity.

Dowd (2008, p. 201) argues that, many studies have identified men, patriarchy, and masculinity as predominant sources of inequality, subordination, domination and discrimination. This is reflected by Connell (2009), who argues that hegemonic masculinity is built on the dread of women as well as men of the power of the dominating masculinity. Connell (2009) maintains that, because of social structures to have developed due to sexual division of power, one sex may be relatively disadvantaged by experiencing unequal access to resources and are controlled in fewer hands. This means power is practiced within the existing hierarchical social system (Africanus, 2012, p. 40).

Connell (2009, p. 76-77) further holds that, the institutionalization of power relations in bureaucracies may hinder the chances of the weaker ones to get their rights. Since powerful organs are controlled by the few, the majority may end up tied. Law enforcement organs are leading on misleading the correct procedures to justice acquisition. There are continuations of gendered powers. Personal biases may be applied in hegemonic forms which have impacts on people's bodies as well as their identities with regard to positions they are placed at (Connell, 2009, p. 77).

Connell (1995, p. 76-77), holds that, gender relations are major components of social structures. Because of power being maintained in few hands, some individuals may have influence towards decision-making in the society. In such unequal power relationships at the institutional level, it may constrain other people's opportunities. This is to say that, for most bearers of hegemonic masculinity their practices depend on cultural and institutional power in collective ways (Connell, 1995, p. 77). Similar notion is supported by Chopra and Isser (2012, p. 340) arguing that, any favour of women rights and justice has to be socially embedded, which means, if social norms and dynamics do not support present and continued processes of legal order tackling power asymmetries and inequities will remain problematic.

Social-economic changes taking place in many communities have resulted in misunderstandings between men and women and have brought antagonism. Men are feeling insecure with their position because of tremendous changes in many women's positions. While women increasingly take over as providers, men experience to lose their previous status as breadwinners, which may result in increased conflicts. Silberschmidt (2005, p. 196), describes that, sometimes men, to regain control or re-establish the self-ego because of frustrations and inner disturbances, may even rape children and women. When men feel for instance disempowered and incapable to fulfil the family roles they are assigned as source of their superior position, they may react by trying to diminish the position of men representing the subordinated masculinities as well as that of women. Tumwesigye (2009, p. 32) goes further arguing that, socioeconomic changes have great impact in gender identity and sexual behaviour of men. The result is struggle over power, positions and dominance which may lead to conflicts and aggressive actions like battery.

The hegemonic masculinity perspective reflects the older forms of male dominance who are no longer dominant due to change of the long term sustained traditions of male being bread winners (Brenner, 2000, p. 25). As an outcome of new capitalist forces in rural areas in the South, in this case Tanzania the whole system has been disrupted. The power of men to sustain egoism and being property owners has decreased. As result women and children suffer under the new restructured capitalist system (Brenner, 2000). One should not blame the new movements that have emerged in the South fighting for women's and gender rights; rather one should credit them for managing to create chances between men and women where they have been capable to contest for power and places in various ways (Brenner, 2000, p. 26).

The use of this perspective in this study has contributed to the exploration of how dominant (masculine) community groups react to the message of women's rights as presented by the paralegals. Linking to the role of paralegals and the WLAC in tackling the existing gendered power relations in cases of gender violence and other gendered injustices, the approach points out possibilities in which masculinity manifest itself through gender constructionism and practices. Also its application has provided useful insights into possibilities of negotiation and alliances between men and women in the fight against gender violence and other gendered injustices. It has shed a light on how men perceive women's demands and how structures and culture are "male" (Dowd, 2008).

The analysis of power as gendered and institutionalized in masculine way, adds an understanding of factors influencing and controlling the community especially women and girls when encountering GBV and other gendered injustices. Knowledge about masculinity facilitates the deduction of behaviours, practices, actions, and norms of different societies that reveal how they treat the weaker side.

CHAPTER 5: METHODOLOGY

5.1. Introduction

This chapter presents the methodology and the steps taken to conduct the fieldwork. It comprises the context of the fieldwork, the research design, the challenges and ethical dilemmas encountered, and the methods of data collection.

5.2. Research Design

The fieldwork was conducted into two main phases. The first phase involved selecting informants and participants for interviews and FGDs. The process aimed at getting a baseline for the data collection. The second phase involved data collection and transcription of both interviews and FGDs. The obtained information was translated from Swahili to English language, which went alongside with coding process and categorization. The fieldwork adopted qualitative methods. The selection of this approach was based on interest in understanding the situation of and hearing the stories of beneficiaries of the paralegal services in Tanzania. The aim was to find out the actual changes brought by the paralegals, and the community's and beneficiaries' perceptions of their presence.

As I aimed to grasp deep into the experiences of women and girls with experience with the activities of the paralegals, qualitative methods suited the project. I wanted in particular to get closer to my informants' understandings of the services provided by the paralegals. Qualitative methods offered an opportunity to trace the lived experiences of women and girls who had benefited from the paralegal services. Kvale and Brinkmann (2009, p. 24) argue that the aim of qualitative research method is to "understand themes of the lived daily world from the subjects' perspectives". Hence, feelings and understandings of the services could usefully be obtained from the informants through use of qualitative methods.

5.3. Access to Informants and Participants

I started to develop my research project before I left for Tanzania, in Bergen, Norway. An introduction letter was issued by my supervisor as approval for field work. I also established contact with some of the officials in the organization (the WLAC) I was going to work with before leaving Norway. I left Bergen on 23rd May and arrived in Tanzania on 24th May. I had two weeks for preparation before I started field work. Recruitment of informants and

participants took place in a diverse way. Some informants were recruited during my presence at WLAC offices. Also, gatekeepers helped me to reach my informants and participants. Because the study focused on women, I hired a female research assistant from Dar es Salaam who worked with me in collecting data. This research assistant was a graduate from the university and she had knowledge in research related to community development and education. She helped me to speak to women in various settings whenever I needed her.

The fieldwork was conducted in four regions in Tanzania, namely: Dar es Salaam, Mbeya, Manyara, and Iringa. The selection of the areas was made according to various criteria; one, rate of the paralegals performance and structure; two, the nature of problems existing in the given areas, three, logistical factors, and finally, where the established headquarters of the organization were. The selection of Dar es Salaam was influenced by the fact that it is the location of the headquartering of the organization (the WLAC). Iringa was selected on the basis of logistical factors such as that it is my home and work place, which helped me to reduce operational and living expenses. Also, it is where I started to process my research clearance from the Mkwawa University College of Education which is a Constituent College of the University of Dar es Salaam. Manyara was chosen because of its composition and the nature of its problems and the paralegals performance. It is characterized by having many problems related to gender violence and has two categories of paralegals; one being under church leadership called Kiteto Interfaith Paralegal Unit (KIPU), and another under community control called Kiteto Paralegal Unit (KPU). Mbeya was chosen for its success stories regarding performance. Kyela district in Mbeya is a place where the paralegals have good performance. I included it to facilitate comparison between areas of different characteristics. The field work took place between June and mid-September 2012, different from what was stated in the proposal because of logistically related matters that interrupted my schedule. The target groups of the fieldwork were women and girls. It involved women who had been helped by the paralegals. This was due to the fact that the programme and mission of the WLAC is to assist women and children all over the country.

5.4. Methods of Data Collection

To enhance the process of data collection, I used different methods. Kvale and Brinkmann (2009, p. 278) argue that “the reader of an interview report needs to know the methodological procedures in order to evaluate the trustworthiness of the results”. In light of the above,

triangulation method was used to ensure validity and reliability. All interviews were tape recorded (except one) to secure the information and valid data. Interviews conducted by assistant researcher were keenly handled to ensure questions were asked in a proper way as I expected. Here under is an account of the methods used to ensure that the data collected were trustworthy:

| Region | IDIs | FGDs | Participant Observation |
|--|-------------|---|---|
| Dar es Salaam (NGOs Headquarter) | 14 | 2 FGDs Women Only consisting of 6-8 participants each | Three weeks from 8 am-3 pm |
| Iringa (Logistical and Home place) | 7 | | Attending to court with clients for one day |
| Mbeya (Success stories) | 5 | 1 Mixed Group FGD consisting of 12 participants | -Four days training of paralegals in Mbeya Urban -Two days reconciliation meetings in Kyela and Mbeya Urban |
| Manyara (High prevalence of GBV and Composition Structure) | 5 | 1 Men Only FGD consisting of 6 participants | Non participant observation |

Table 1.0: Regions and Type of Research Method Used to Obtain Data

5.5. Semi-structured Interviews

Interviews were conducted to gain insight into the personal experiences and opinions of the informants about paralegal services. A total of 31 interviews were conducted involving; 8 paralegals, 12 beneficiaries (Women and Girls), 6 WLAC officials, 3 Norwegian Church Aid (NCA) officials, 1 male, 1 local government official. The interview with a male informant aimed at supplementing obtained information from the men FGD and his understanding and perception of paralegal services. Also, it aimed to find out if he was knowledgeable about the paralegal services in the community. Twenty eight interviews were conducted in Swahili; only three interviews were conducted in English. During the interviews topic guides were used. Each group of informants had its proper topic guide (*see appendix A*). It took from 45 minutes to 1.30 hour per interview. All interviews except one were tape recorded after getting the interviewees' consent. One interviewee refused to be tape-recorded, preferring her information to be noted down instead. Her preference was respected.

The length of each interview depended on the informant's capacity to explain. Because my study was explorative and qualitative, the interviews allowed me to get detailed information from my informants, also through observing their body language and response to questions. Many of the interviews were conducted in the offices or homes of the informants. However, in offices there were many interruptions and also in homes, children would sometimes wonder about the tape recorder and try to hold it.

As a male researcher, in some settings it was difficult for me to get close to female informants. Many women and girls still believe in male dominance and they find it hard to speak to men. In such situation assistant researcher helped me to talk to informants. She approached them and talked to them. If I had not had female assistant it would have been difficult in some settings to get close to informants and interview them. Many women and girls were shy and afraid to speak to me. The use of assistant researcher simplified my job, especially in relation to women who were not ready to speak to me. Her role had great importance for my accomplishing my fieldwork.

5.6. Focus Group Discussions (FGDs)

During the period of the field work four focus group discussions were held. Guides were followed and were the same to groups of both genders. Two FGDs comprised only women, one

only male participants and one comprised both men and women. Both women and men groups comprised 6-8 participants each. The mixed group had 12 participants. The reason behind the mixed group's to high number of participants was that aimed at integrating men and women together towards understanding paralegals and service delivery. Also it was used intentionally to observe women's participation and expression of their views on the services provided by paralegals in front of men to see how free they were. The men FGD was intended to get different ideas and perceptions concerning paralegal services.

However, different dynamics emerged out of all these groups. Women FGDs were very strong compared to men, they expressed their views and suggested further action on the service provision. During men's FGD it was observed that, some men perceived the service as a way forward to abandonment of poor traditions and norms within the group and while some argued that there have been extreme force used by women to acquire their rights. They condemned that women getting help from these people are spoiled, you go back home no food, if you ask she intimidates you by going to report to the paralegals. Such developments did not satisfy their demands and expectations.

Conducting a mixed FGD gave room for strong interaction between the two genders. Even though it was noticed that men kept dominating the discussions, some women feared to express their views. This showed the extent to which hegemonic masculine exists in these communities despite all efforts that have been made. Jakobsen (2012, p. 114) explains that the purpose of FGDs "is to give participants power among themselves to question, challenge and answer one another". Clearly, this did not happen in the mixed group while it did in all female groups.

Women FGDs were conducted in Dar es Salaam, mixed group conducted in Mbeya, and men group in Manyara. Participants in FGDs comprised married women and men, widows, widowers, divorced, priests, chiefs, and teenagers. The FGDs conducted were so interesting. Many of the participants showed interest in the subject matter. When asked about how they got to know about the presence of paralegals, participants usually said they heard about them from friends or neighbours.

5.7. Participant Observations

I took the position at the WLAC headquarter as a voluntary worker. I performed my tasks at the organization while participating and talking to clients. Clients were informed of my presence at

the start of the conversation. Despite my tasks as voluntary worker there was much freedom and enjoyed it while interacting with workers and clients. Everyone in the office called me by my name, Henry. I had time to talk to clients before they were attended to by legal officers and soon after registration. Clients perceived me as an ally because even when I was away from the office they called me on mobile phones and reported the progress of their cases.

I arrived in the office at around 8-8.30 am and left 2.30-3pm every day for three weeks consecutively. After the introduction and registration of new clients, I participated by listening to clients presenting their problems to the legal officers. In parallel to this I recruited my informants and participants for interviews and focus group discussions from clients who came on that day.

During my fieldwork participant observation was used, and I noticed that the WLAC has a daily routine which was scheduled significantly relating to days and relevance of the matter as planned by the organization. Within the organization it was known to clients that, Thursdays and Fridays were special days for registering and re-innovation and improvement of statistics and data. Many of the clients who came and reported their problems were women with different cases, but the most critical ones, which shocked me were about division of matrimonial assets, land conflicts, inheritance and affiliation cause. Various matters were handled depending on the complications of the cases. Support to the clients depended much on the nature of the cases. If it was complicated a client was assigned to an advocate who represented her before the court. Such complications could be victims of HIV/AIDS, physically assaulted/abused clients, elders, sexually abuse, and children (orphans).

While visiting other regions, I participated in a reconciliation of some clients who brought their complaints. In Kyela I attended one case related to child maintenance and family reunion. A conclusion was reached; the two families re-united and continued to raise their child. The matter took place under supervision of KPU. I also attended various trainings which were taking place to recruit new paralegals. In Mbeya Urban I attended a four days training conducted by Mbeya Paralegal Unit (MBEPAU). An interesting thing was the inclusion of the *mwene* (*Safwa Chiefs*) among of the trainees. After seeing that, I asked the facilitator and organizer of the training about the need and importance of including such people. The reply of was that those are the ones that have been holding-up poor traditions transferring them from one generation to another. So the inclusion of the *mwene* was significant. It was expected in the end of the

training that they could help to change peoples' minds in their communities where many old traditions and norms are still practiced. It is believed that, many communities if the *mwene* (Chief) says no to something, it will stop, and if they say yes it has to continue. Their inclusion during training it was new milestone towards fighting gender injustices.

5.8. Secondary Sources

Not all data came from primary sources like interviews, FGDs and participant observation I also collected various books, pamphlets, newspapers, journals, articles, and research reports to supplement my primary information. Many of these sources were NGOs research reports, online journals and articles, and coloured pamphlets published by NGOs.

5.9. Ethical Considerations

Some procedures had to be covered before the actual fieldwork. One of the very important steps was to ask for a research clearance, which I got from the University of Dar es Salaam as an employee. The University of Dar es Salaam has partnership with the University of Bergen which simplified my work to get permits. The issued research clearance from the University of Dar es Salaam enabled me to contact different Regional Administrative Secretaries (RAS's) of places where I was going to conduct my study. Letters were issued for Dar es Salaam, Manyara, Mbeya and Iringa. When I reached the study areas I was given research permits to collect data in those areas. Ethical issues were observed during the whole period of field work. For interviews involving girls less than 18 years, informed consent was sought from their parents. Informants and participants were told the significance and the aim of the research. Permission from the informants was sought for the use of tape recorder. I talked to them about the goal of the study a written form/consent form (*see appendix B*) was prepared both in English and Swahili which I read to my informants and participants. They were free to leave if there was something they thought could be embarrassing to them during interviews or discussions.

5.10. Challenges and Dilemmas

Despite following all necessary procedures some ethical dilemmas emanated from my fieldwork such as the psychological suffering of raped girls. As man interviewing a girl, I felt as part of the offenders. I also experienced psychological stress after hearing some of the stories of my informants, because some of the involved were little kids around 14 to 15 years. It took time for

me to get back to work again. I had to switch off the tape recorder for a moment to recompose myself. It was not so simple to hear such stories from women and girls who have been sexually abused. Some informants also refused to speak separately from their fellow officials, so I was obliged to interview them in front of their friends, especially the gatekeepers. This reduced the privacy and freedom of the informant; also it hampered my possibilities to get more information on what I wanted to know.

Collection of data was not a simple task to do despite the presence of all facilitating documents. I was supposed to move from one region to another. The remoteness of the fieldwork places destabilized appointments with my other informants. I had to travel to seek information where I faced bad roads and absence of communication networks in some places. Another challenge faced was related to expenses. I travelled from one region to another, where I had to incur lodging expenses for the whole period of stay. This was so expensive, and also the fare from region to region and inland transport to reach the field sites was difficult because I had not enough funds to facilitate my study.

The readiness of the informants was also varying as some turned down my request to speak to them. In some settings I had to prepare a welcoming environment to motivate informants and participants' discussion. Drinks, snacks, and fare were given to informants and participants. It was done as a way to show politeness and appreciation of the informants and participants' cooperation and collaboration. This is common in my home country.

5.11. Positionality and Reflexivity

Going back home for my fieldwork was not as easy as I thought it would be. Despite going well, I encountered some challenges. I had to think how to reach an understanding with my informants in relation to the research. Many of the offices and informants I came across perceived me as an outsider the whole period of the fieldwork. For instance, in some situations, while talking to informants, they tended to prepare a special place for me as an important guest. This isolated me from the community members. They saw a researcher a person who would come and go. Such actions limited the position of researcher to interact well with informants and explore more information because they saw me as an outsider despite me being in my home country.

Many of my informants, whenever I talked to them kept asking for capital to launch their own business. They perceived me as a rich outsider not a student who was there for fieldwork. Also, when talking to paralegals in various areas they often asked if I could find donors to support their organization to enable their daily activities.

Reflecting an idea from Amadiume (1993, p. 183), “issues of self and other, multiple selves: as social subject, a member of an extended family, mother, woman and an independent person with my own views” all these selves were not far from me during my fieldwork. I had to consider them because they related to the fieldwork. My identity as male, single, with different norms and traditions, interviewing women and girls’ survivors of GBV and other gendered in Tanzania, put me in a very conflicting position. In some situations where this particularly difficult, I used my research assistant to talk to them. Other times, the tape recorder was switch off I took breaks in the interviews to cope with the situation. When the atmosphere became conducive again I continued to talk to the informants.

CHAPTER 6: THE INTERPLAY BETWEEN WLAC AND NCA AS DONOR-PARTNER COALITION, IN THE FIGHT AGAINST GENDER-BASED VIOLENCE AND OTHER GENDERED INJUSTICES

6.1. Introduction

This chapter analyses and discusses the donor-partner relationship between the Norwegian Church Aid (NCA) and Women's Legal Aid Centre (WLAC) in the fight against gender-based violence (GBV) and other gendered injustices. It focuses on the cooperation and understanding between the two parties as envisaged in the central agreements and objectives of their coalition. Factors such as the donors approach and the criteria used to select partners will also be analysed and discussed.

6.2. Meaning and background of Women's Legal Aid Centre (WLAC)

During the mid-1980s to 1990s, many African states experienced the emerging trend of governance. As discussed in *chapter 4*, there was a demand to shift and decentralize the power from the top government level down to the grassroots level in order to improve service provision to citizens. This led to the emergence of many CSOs and NGOs. As consequence, WLAC—along with many other non-state actors—was formed. WLAC was established against the backdrop that women had extensively experienced GBV and other gendered injustices which the NGO wished to improve. The organization (WLAC) decentralized its operation to ensure that services reached the intended beneficiaries in its fight to build equality and equity between both genders.

Despite the fact that positive changes have been highlighted recently in the area of gender violence and discrimination, studies continue to illustrate that the discrimination, violence and subjugation of women continue to remain dominant practices, particularly in rural areas. Widespread cases of brutality against women like wife-battering and Female Genital Mutilation (FGM) have been outlawed in Tanzania since 1998; however the law has not been effectively enforced to combat these vices (NCA, 2011, p. 6). This is what motivated WLAC's establishment. The organization (WLAC) transformed from Shirika la Uchumi la Wanawake Tanzania (SUWATA) to WLAC and established itself as a crisis centre that started including children in its service delivery. There were several reasons why the organization transformed to an independent entity. Initially, the organization was under the ruling party Chama Cha

Mapinduzi⁶ (CCM). It was difficult to continue running under a party ideology when the organization identified itself as non-partisan. Moreover, as the number of women seeking crisis aid significantly rose, the centre could no longer cater for the demand. As a result, the SUWATA decided to restructure their organization in order to accommodate more women and provide greater legal services. Another important conjuncture in line with this restructuring was insufficient funds. An interview with WLAC officials reveals that:

“...as the Umoja wa Wanawake Tanzania (UWT) under the CCM, it had so many activities. As time went on the number of victims increased. If you remember a period around 1984/85 there was political movements in Tanzania. The organization had to change its operation framework. It was no longer for the party members; it had to include all people. Therefore, in the early 1990s state’s transformation from mono-party to multiparty system, the country took new form and adopted pluralism. With the political influence the organization had to rethink and come with new ideas. Leaders thought that the centre being under the UWT could be a barrier to some people whose political ideologies were different to go there. They thought it is possible to leave out some members of the community because they could associate it with the CCM. Hence, women lawyers who volunteered to give services came with an idea to start a centre free from political ideologies to benefit everyone. Thereafter, emerged WLAC as a registered company [NGO] in 1994” (WLAC Official 1)

In Tanzania, state institutions were largely seen as corrupt and inefficient. Thus, many NGOs like WLAC became accountable for service provisions. This helped facilitate the roll-back of the state. These reforms increased funds from foreign donors and helped to strengthen NGOs, and CSOs. The NGOs and CSOs were seen as important for community development and considered more efficient service providers. In this situation WLAC considered that to make their services more effective and reachable to the majority of women, there was a need to become independent. The organization’s independence allowed funding from a greater donor base which was previously restricted when it was under the party domain. The findings above correspond to the study done by Hanak, (2009, p. 41-43) and Haapanen (2007, p. 4-5), who observed that due to incapability by the state to handle service provision; third sector organizations had to be engaged. As the governance approach insists on the minimal role of the

⁶ CCM is a political and ruling party in Tanzania.

state (*see chapter 4*) by decentralizing power to non-state actors who then work as partners, much is expected from NGOs. Therefore, it is likely to be argued that the creating of WLAC and its works towards legal assistance was an outcome of the governance approach insisting on non-state actors in Tanzanian service provision.

6.3. Meaning and background of Norwegian Church Aid (NCA)

Norwegian Church Aid (NCA) is an organization commissioned by the Norwegian Churches to fight global poverty and injustices all over the globe. The NCA in Tanzania was founded from the former Tanzania Christian Refugee Services (TCRS). Most of the services and communication to Tanzania were previously channelled through Nairobi, Kenya. However, in order to bring services closer to people TCRS was transformed into NCA and an office was established in Tanzania.

“NCA....aah ...it’s a non-governmental organization which emanates from churches in Norway. It is an organization which gets funds from the Norwegian government but operates independently from the government. NCA have been in Tanzania actually from 1960’s and were cooperating with TCRS. Before, the cooperation was actually from the head-quarters to TCRS but later they actually started supporting Christian Council of Tanzania (CCT) from the Nairobi office. It was 2005 when they opened the Tanzanian office and activities started full swing in 2006” (NCA Official 3)

NCA thus clearly fits with its role as donor in the governance system as we saw in *chapter 4*. A decentralization of their activities has been realized since its establishment in 2006. Many programmes and projects have been in action like fighting GBV, introduction of Village Community Banks (VICOBA), and the paralegal programme. This also corresponds with the role of donors in decision making and policy formulation (Mercer, 2003, p. 742; Doornbos, 2001, p. 97). Donors develop ideologies which the state and local NGOs have to follow to provide better services to the people. NCA stands as an agent which influences its decisions through working partners by funding local NGOs which concentrate on service delivery. With regard to governance system donors have bigger position on policy dialogue, but NCA is quite small and not among the donors that have most influence on national level decisions.

6.4. The Partner Selection Criterion between NCA and WLAC

In their search for knowledge and experience on women-related matters in Tanzania, NCA has partnered with both religious and non-religious NGOs. However, the NCA primarily works through religious organizations. To empower its constituencies in terms of knowledge, NCA has partnered with WLAC as a resource partner on issues such as the fight against GBV, the training of the paralegals, and other activities related to human rights. A study conducted by Ishengoma (2011, p. 10) in Tanzania revealed that “WLAC among other NGOs since 1990s have noted the fact that Tanzania government is not capable of providing legal assistance and representation to Tanzanian society. Hence, NGOs have partnered and developed special programmes for training legal assistance volunteers who could render legal services to poor.” WLAC has been in the forefront of combating GBV and other injustices in Tanzania. In addition a report produced by the NCA (2008, p. 12) states that “in 2008 WLAC was able to influence faith-based organizations (FBOs) such as Baraza Kuu la Waislamu Tanzania (BAKWATA), Evangelical Lutheran Church in Tanzania (ELCT), World Conference on Religions and Peace (WCRP), to open paralegal units at district level.” Therefore, the understanding of the relationship between these two organizations is defined in the basis of resources and common objectives in fighting GBV and other gender-related concerns.

The NCA objective is to promote justice all over the world through various working partners. The operationalization of its projects depends on the nature and problems prevalent in different areas. There are three criteria put in place by the NCA to choose partners who will act either as a Core, Strategic, or Resource partner. Most of the NCA programmes are implemented through Faith –Based Organizations (FBOs) which are core partners. With regard to the WLAC, the NCA considered it a resource partner with advanced experience on women’s issues. As described below:

“...now resource partners are largely organizations that may not necessarily be FBOs but may have capacity in terms of experience or knowledge which we think should be vital to transfer to our core partners. We use that approach as the NCA to link the constituencies and knowledge. The FBOs have constituencies, people, structures, and....but sometimes they don’t have competence on those specialized areas. So you get these specialized organizations, you link these organizations in way to enable them to do their work. That linkage is what bonds us and the WLAC. The WLAC is not an FBO, but has a lot of experiences on women’s issues.....so at

least you can bring in the WLAC. So the WLAC trains and induces capacity to FBOs so they can focus on gender issues and GBV in particular” (NCA Official 1).

As shown in the findings, NCA and WLAC depend on each other to fulfil their set objectives and goals. While one organization provides resources in the form of funding activities, the other provides knowledge utilized in implementing programmes by training partners. The quotation above confirms the position of donors and their influence in decision-making and policy formulation. According to the governance perspective (*see chapter 4*), as argued by Mercer and Doornbos (2003, p. 742; and 2001, p. 97), external actors play an important role in policy formulation processes, institutional development, and state internal affairs decisions. Consequently, the collaboration between the WLAC and the NCA on GBV and other gendered injustices fits the governance model. The WLAC, through its paralegal knowledge and experience on women’s issues helps to produce skilled personnel for the fieldworks. The NCA however, provides constituencies for implementing the knowledge through its core partners FBOs and funds the services provision.

6.5. The Donor-Partner Agreement between NCA and WLAC

The NCA has worked with the WLAC to support the paralegal programme in various districts and wards. Looking at the relation and understanding between the two parties, WLAC has stood potentially to work as a resource partner alongside of NCA. Many women have benefited from human rights education and access to services providing justice, especially in rural areas. A study found that “in 2008 a total of 2,633 women and children accessed legal services and most cases were referred to court. These cases had been referred to WLAC by clients that had earlier benefited from WLAC legal aid services” (NCA, 2008, p.12). In this regard, the WLAC continues to collaborate with the NCA on several matters related to GBV and training of paralegals as a “resource partner on GBV” (NCA, 2008, p. 12). Moreover, an NCA official revealed that:

“Well WLAC is very special because they are resource partner on gender as I said and...they have one, long experience when it comes to working on women’s issues, women’s rights, rights-based approach in terms of real rights of women they have that experience. Secondly, they are also very experienced when it comes on providing legal aid which is one area very important to us. But the third one which is very critical is on those who have been affected by gender

violence either by helping them reconstruct their lives or to have access to justice where clear rights have been violated. So with WLAC, they have experience in almost all areas and much strength through enabling women to access legal aid and being able to acquire justice” (NCA official 1)

The partnership, which exists between NCA and WLAC, is based on an ambition to offer better service delivery and decentralization. The NCA depends on the WLAC to pass its organization’s knowledge and objectives to the core partners which are FBOs for implementation. As argued by Rhodes (2007); Rhodes (1997); and Mercer, (2003, p. 741-742) (*see chapter 4*), NGOs and CSOs who replace state service provision are expected to deliver better, more effective and efficient services. WLAC activities have been decentralized to the degree that they have managed to deliver legal assistance to women and girls in different parts of the country, even in remote areas. Critically, however, this does not equate to widespread success, as the NGO faces challenges of acceptance and geographical coverage in the country. As observed during fieldwork, not all informants I encountered were aware of WLAC and the legal aid available, nor did they all appreciate their services, as will be discussed in the following two chapters (*7 and 8*).

In spite of so many NGOs in Tanzania dealing with GBV and the training of paralegals, NCA has a well-developed focus and approach to establishing partnerships. The WLAC has been chosen as their best associate in their daily activities. In addition to paralegal services, the NCA has also been interested in different programmes which have sustained a relationship with WLAC. An NCA official recounted that;

“...mobile clinic which is basically a new invention which we thought was a better thing to do yet is again another thing we are supporting. For instance go to Kiteto, stay there for a week, and provide people with assistance. So that is the kind of role that WLAC is bringing into this. They are also training our partners, FBOs. The FBOs traditionally have been first point of contact whenever we have our problems. There is one weakness with these FBOs: sometimes they don’t have capacity and competence to deal with some of the things which are technically in nature. The WLAC has been playing a role of trainer” (NCA official 2)

The previous quote corresponds to the study conducted by Haapanen (2007) arguing that donors prefer to fund NGOs which understand the language of international development actors. As I

discussed in the theory section (*see chapter 4*), the governance approach insists on the use of NGOs decentralizing power; it was also highlighted in a study by Shule (2008, p. 4) that NGOs are not sufficient without donors. If NGOs do not manage to translate the needs of the local communities, funding demands are unlikely to be met. NCA's activities are normally directly linked to FBOs. However, non-religious organizations with unique characteristics can also sustain relationships or partnerships with NCA. The WLAC has managed to translate the NCA's preference into adequate action which has sustained the long term relationship. WLAC has partnered with the NCA with regard to its paralegal programme, legal aid and mobile clinics. During fieldwork I observed that the NCA are careful when selecting partners. The organization is cautious because of the large number of poorly established NGOs with no clear objectives, and thus, poor resource use. It therefore takes time to be accepted and recognized by the NCA.

6.6. The Role of NCA and WLAC in Relation to the Paralegal Services

The NCA as a religious organization and a sub-country office in Tanzania has specific projects defined in Norway, which are to be implemented in Tanzania. GBV has been one area of concentration and a part of the main project on gender justice. Reports from the organization state that "since 2006, GBV has formed one of the focus areas for the NCA" (NCA, 2009, p. 15). The organization has continued to highlight the issue as an important thematic area which needs extra efforts and attention. Their engagement in "various activities and interventions implemented under this thematic area aimed at challenging retrogressive cultures and any forms of discrimination based on gender" (NCA, 2009, p. 15). Addressing GBV has been a challenge, because the problem is still widespread all over the country. People with commitment and a spirit of volunteerism are needed to work on the issue of GBV. To tackle the phenomenon, NCA has linked its operation up to paralegals in order to provide legal aid and education to the community. One of the officials from the organization explained that they needed extra efforts to handle the situation. A strategy which has been considered to be effective and reasonable is to introduce paralegal services to their core partners, which are FBOs. During interviews one official revealed that:

"...paralegal is an important component to us. We are supporting the WLAC basically setting up and train paralegals to enable them to provide legal aid to women in the rural areas. We are also supporting the mobile clinic which is a very unique way of improving access to justice to

the rural areas. As I said in terms of our strategic plan –our national structure, we have so many more people in the rural areas than in urban areas. The people in urban areas have a lot of information, also access to the courts. Most women who are affected by GBV are not in urban areas. Many of them are found in places for commoners. So in rural areas this is where these things are taking place. We want them there....” (NCA Official 1)

The NCA has taken into account the paralegal programme as a significant means to the donor organization’s over-arching aims brought to Tanzania from Norway. NCA and its local partner WLAC has found that they have common interests in working towards fighting GBV by using paralegals. The role of donors, as discussed in connection with the approach, is as policy and ideology makers, while non-state actors implement those policies and ideologies within the state’s legal framework (*see chapter 4*). The picture that emerges of the partnerships between NCA and WLAC fits the theory very well. The NCA gives funds to the WLAC which trains the paralegals working to the grassroots level helping women and girls through legal assistance.

WLAC was the first organization to initiate programmes for paralegals in Tanzania. The first paralegal unit was launched in 1992 as a pilot in Tanga (Ishengoma, 2011. p. 12). The idea originated from West Africa and some other sub-Saharan African countries. The WLAC adopted it and started to implement in Tanzania. The impetus behind it was to bring services closer to people—especially women and girls—at the grassroots level. As one of the officials explained during an interview:

“...this idea, especially to the early founder members, was adopted from other countries. It was not a home-grown innovation. Some were invited to Malawi, Zimbabwe, Sierra Leone and Ghana to learn how the system was working. Our fellow African states have these programmes, and they are officially recognized by the state systems” (WLAC Official 1)

Legal assistance being expensive and scarce in rural areas has made paralegal programmes an effective strategy in bringing the service to the community, especially to women and girls. A study carried out in Sierra Leone shows that many poor communities often see formal law and government as strange, absent, and/or abusive towards law enforcement (Maru, 2006, p. 460). Therefore, community-based legal services become their best alternative to claim their rights. This is because many people do not afford the operational costs of formal law as confirmed by WLAC officials:

“...the idea to start paralegal programme was an attribute of many factors. Scarcity of the advocates and lawyers, urban-centred services, operation costs, and being business oriented led the WLAC to think of initiating the programme. You know access to lawyers and advocates in rural areas is very difficult. So, founder members saw the need to start the paralegal section. These are the ones found in districts and regions giving services free of charge. They have basic knowledge in legal issues. This was because many women and citizens in general could not afford fee charges from a lawyer, which exactly was the idea behind” (WLAC Official 3).

Similar perceptions were revealed in a United Republic of Tanzania report which states that

“despite these efforts and achievements, the challenge, which still remains, is that of effective and sustainable law enforcement to ensure the protection of human rights of women. The coverage of legal awareness and services has not reached the majority of the people, especially those in the rural areas; hence there is a need to invest more in awareness creation, training and provision of paralegal services particularly in the rural areas” (URT, 2005, p. 11)

Charging fees, poor law enforcement, the malfunction of the government, and a scarcity of lawyers have been precipitating reasons. Women and girls, especially in rural areas, have not had access to legal assistance. The collaboration between the NCA and the WLAC and their innovative concept regarding paralegals and GBV is that it references marginalized groups not as victims but as agents of development. The government expresses similar views on the matter, including challenges facing law enforcement in rural areas to ensure the protection of women’s rights and human rights in general. Furthermore, Poulsen (1995, p. 41) argues that legal aid clinics and NGOs offer women and girls the chance to address problems of human rights and abuse by challenging the state and other institutions which sustain inequalities by instigating principles of equality between men and women before the law. This context reveals an agreement on paralegal service provision among NGO and state actors in government partnership.

The training of paralegals enables WLAC to have wider range coverage. The aim is to produce more results on service delivery. This was reflected in several interviews while talking to paralegals on their presence in the community as we will see in the next *chapter 7* about paralegals and their roles to the community. The idea of paralegals was objected to in some context as it was presumed by some members of the legal profession that it would intrude on

their domain. At the beginning it was not an idea accepted by many stakeholders in the legal system as many perceived it jeopardized their interests. As the WLAC official illustrated it below:

“Later on as paralegals increased, some advocates and lawyers hesitated and objected to the idea. Negative attitude developed among members in legal system towards their presence. It was believed the WLAC was going to produce a new cadre which was conflicting with their interests. Also some magistrates raised a concern on the matter that these paralegals were exceeding their position and role, hence assumed positions as judges and councilors of the cases or matters beyond their capacity of handling” (WLAC Official 3)

Empirically the problem can be mapped in two dimensions. Firstly, the NGOs face dual challenges to train paralegals that are not accepted and recognized by the state. Secondly, NGOs face limited space to champion women’s rights in rural areas where the common law has not been fully implemented because legal aid clinics are challenged by some state institutions, as found in the quote above. A possible answer can be drawn from the above findings that paralegals are not regarded as important resources which can contribute to enriching the legal system in Tanzania. The above statement corresponds with a conference report issued during a workshop held in Uganda. That workshop was called the “African Regional Workshop For Community-Based Paralegal Programs” (2012, p. 3), where the Chief Justice of Uganda Benjamin Odoki argued that there are numerous obstacles that hinder paralegals in Africa, including formal recognition, quality of services, sustainability of programmes, and scaling up from grassroots to national level. This keeps their role invisible in the sense that they are not seen as part of the engine of social justice to boost individual rights, especially of women and girls. In contrast, the government, courts, and other law enforcement organs like the police, perceive them as hindrances to personal interests as we will see in *chapter 7*.

As far as the training of paralegals by the WLAC is concerned, there is a direct relationship between WLAC and paralegals based on moral and material support. To ensure that objectives of the organization are accomplished, the WLAC has engineered trainings for paralegals for an extended period of time. The process is accomplished through a wide range of coverage: capacity building, training, and facilitation are some of their take-off stages to WLAC. A study conducted in Tanzania by Ishengoma (2011, p. 21) points out that “despite the fact that voluntary paralegals have acquired elementary knowledge on basic laws (especially those laws

safeguarding women's and children's rights), the duration of training ranges from two (2) to five (5) days." This is a baseline where the underlining relationship between the WLAC and paralegals affect each other as the study found out. Similarly, it goes with information found during fieldwork as explained by the WLAC official during an interview.

"...as WLAC first we conduct an assessment need to the area where we want to situate a paralegal unit by asking residents what are the common problem on the area far from what we have been teaching. Basic knowledge has been on inheritance, probate, human rights, and women's rights and so on...but additional training is done if there is exceptional case or situation. Normally we carry training for five days to establish a paralegal unit at a place with practical training. There after follows capacity building at least once per year and facilitation....because paralegal far from providing legal aid assistance and guidance they train people and create awareness there....."(WLAC Official 4).

Looking behind the scenes of the whole process, we can understand some important parameters that capacity, operation, establishment, and knowledge of paralegals rely on WLAC. Those relationships strategize the focus of what future paralegals hold. The quotation above draws parameters of the interplay between these two parties that are based on training, establishment and resource support. The process starts after the identifying and training of paralegals, hence capacity and awareness building. Thereafter begins the process of establishing a centre where clients will be able to seek information and services. Therefore, it proves that there is a continuous process from the beginning of the programme to implementation stage.

6.7. The Role of NCA and WLAC on GBV

GBV has been a priority for the NCA for a considerable period of time. The aim has been to challenge all norms and traditions, which perpetuate any form of discrimination. It has defined GBV as one of its thematic areas. With support and collaboration from different partners—especially FBOs and some resource partners—it brings different activities to the community indirectly. Intervention in various projects related to GBV and justice has been one of their significant and potential strategies in different areas of Tanzania. Therefore, to fight GBV, NCA has integrated other programmes like paralegals training, which are linked to the WLAC through training them and bringing services to the community. Basically, if only the core

partners were involved in providing experience and skills, the demands and mission of the organization could not have been accomplished as one of the NCA officials explained:

“Seeing the nature of the problem in the country we had to advocate for human rights on issues which are causing GBV. Previously, the name was not GBV, it was called interfaith and peace building in it there was GBV. So what we did at first is to sensitize religious leaders so that they know things which bring peace in the community and which are not, and one of them is GBV. After sensitizing the religious leaders lucky enough at global level they came up with a specific thematic area which deals with GBV. The main focus was on harmful traditions. One of those harmful traditions which at first we were dealing with what we call Female Genital Mutilation (FGM)” (NCA Official 2)

It is likely and possible to argue that while the Tanzanian society still contains elements of GBV practices, the NCA perceives it as a human rights challenge and a phenomenon withheld within cultural practices and traditions. They have enlarged operations by pointing out the phenomenon of gender-based foundations being culturally embedded and beyond human faith and spirit. With the NCA prioritizing GBV as their thematic area, it aims to introduce alternatives to uproot damaging and stereotypical profiles of women. The above findings affirm the study conducted by Poulsen (1995, p. 40) in Africa, that most of human-rights NGOs have stood to offer women opportunities and possibilities for new lives characterized by the absence of marginalization, thus bringing improvement. This is done through legal information and building of awareness. It is based on the assumptions that as women become more aware of their rights, it is possible for them to approach legal aid centres to seek help and gain confidence to act by addressing their problems.

The fundamental objective and mission of the WLAC was to help women and children through legal assistance. Bearing in mind the demands and needs of many women who were abused and presented their claims at the organization, shifting from individual activity was an important step to take. The WLAC as an organization could no longer merely stand for legal aid support. Rather they included GBV as an important facet to manage the situation, as many clients were survivors of violence. The organization used to focus mainly on matrimonial cases, inheritances, probate, and so on via projects like legal literacy campaigns and paralegal training. Including GBV in their objectives was a move to diversify activities and services to people and extend coverage to more women, especially in rural areas. In spite of hard work by several

NGOs and stakeholders of human rights, satisfactory results are yet to be achieved in Tanzania. WLAC, as one of the more effective national NGOs which for so long has worked to ensure that women and children have access to justice, is determined to fight GBV. Bringing together the services and activities they are doing including legal counselling and representation of women both in court and administratively, it was realized that looking at women alone was not enough, as was stated in an interview:

“...basically looking at the WLAC’s memorandum for its registration, it earlier aimed at helping women on legal related matters. On the course of service provision, it was realized that it is not possible to separate a child from his/her mother. This is because when conflicts arise for instance in marriage when one is tendering a divorce directly it victimizes children.....”(WLAC Official 2)

Analyzing these findings, WLAC decided to encompass GBV and children as some of their main areas of focus, because the underlying factors of GBV were not one sided: they affected both women and children directly or indirectly. The organization was then required to rebrand its ways of operating. The discoveries above as idealized by the WLAC correspond to a study conducted in Tanzania by Fleischman (2012, p. 7) arguing that despite that in recent years GBV awareness has risen, the situation still considerably affects women and children. The 2010 Tanzania Health and Demographic Survey findings showed that 44 percent of ever-married women experienced physical or sexual violence. Furthermore, a survey done by UN Children Fund (UNICEF) in Collaboration with Muhimbili University, Centres for Disease Control (CDC) (2011) showed that 3 out of 10 females experienced physical and sexual violence before they turned eighteen (Tanzania Health and Demographic Survey [THDS], 2010). Considering the WLAC as an NGO working in the governance system as we saw in *chapter 4*, this closely relates to what Michau and Naker (2004) argue on their study conducted in the Horn of East and Southern Africa. That is, many NGOs have responded to GBV in a very positive way. The NGOs have established services to women experiencing GBV like “shelters, hotlines, counseling and legal assistance” (Michau and Naker, 2004, p. 4).

6.8. The Objectives of NCA on VICOBA and GBV Survivors

Another important aspect of the NCA ideology was the introduction of Village Community Banks (VICOBA) through their working partners. The idea was to see GBV survivors—especially women and girls—get access to finance, and launch businesses for survival. This new framework came into implementation as part of gender mainstreaming by the GBV survivors. In 2010 VICOBA continued being the major vehicle of the NCA's support to communities (NCA, 2010, p. 4). The private sector on the side of the banking system has been prioritized by the NCA to ensure marginalized groups—again especially of women and girls—have access to loans to improve their livelihoods. This is due to the fact that large proportions of poor women in rural areas cannot afford higher interest rate loans. It has bridged several key superstructures in the financial sector. The organization thought that one way to integrate women's rights and champion justice was to link VICOBA to paralegals and FBOs as core partners to ensure that they do not only fight for justice but also for women's survival. The NCA official revealed that:

“....working on GBV is not an easy thing. There is work. It is work which is very tough, it involves commitment, a lot of patience; but also involves a lot of issues dealing with tackling power, and I mean power between patriarchies but also social structures which have been there. For instance when a person has been raped or physically abused how do you help her? Introducing VICOBA enables her survival after she has been out of trouble. So that program is designed in form of what we call a basic indicative curriculum. Introducing VICOBA is very strategic. People want to do business so they can be able to move forward. So in anyway if a person doesn't want to hear gender and GBV, they come through because they think there is something they can get. It is a very smart way of handling this matter. Otherwise no one will show up if you say we are going to teach women's rights. So we are using VICOBA to teach and sensitize on issues of GBV. When they go for the VICOBA weekly meetings one session is for GBV” (NCA Official 1).

As far as the VICOBA strategy itself is concerned, it seems to be potentially advantageous to women in general and survivors of GBV particularly. Cheap loans play a triple role. One is to empower women. Another is to raise gender awareness among members of the community. The third raises the country's economy by bringing banking systems to rural areas to enable the marginalized areas to access financial services. The VICOBA has not only allowed women to access credit but also made it possible for women to tackle gender power relations within

households. The VICOBA approach, towards helping women out of their financial dependence is more inclusive has addressed the social and economic structures that impede women's position to engage in economic activities. User friendly loans have been put in place through VICOBA. In their annual report it was revealed that the "WLAC has started integrating GBV with VICOBA activities. In May 32 VICOBA members were trained at Kiteto. The training was followed by establishing of the first Interfaith VICOBA paralegal unit in Kiteto" (NCA 2010, p. 40). On the other hand, the NCA's mission on VICOBA has been influential by integrating paralegals and these small loans to survivors to enable their survival. The findings above concur with the study conducted by Duursma in Tanzania (2004, p. 19; 2007, p. 1-10) arguing that because of the higher interest rates, collateral, poor infrastructure, and the remoteness of rural areas, microfinance enterprises have given opportunities to poor people and access to loans at appropriate times. Almost seventy (70) percent of Tanzanians are found in rural areas where banking systems and loans are not affordable or reliable. In the case of women, many of them do not understand financial language or how to access loans. Several NGOs—local and international—keep assisting those marginalized in getting loans. Duursma (2007, p.11) argues that most of the clients of those financial NGOs (like BRAC, FINCA, PRIDE and SEDA) are women. However, it should be noted that not all paralegals and FBOs are doing well with VICOBA. In some areas I visited, it was not a point of interest for them. Rather, they understood only the language of legal assistance. Also, not all paralegals work under FBOs; some work independently. Therefore, we can critically argue that despite VICOBA showing significant value in some places, in other places it remains an issue of debate.

6.9. Emerging Issues between NCA and WLAC on Donor-Partner Perspective

Although there is an open and long-term standing relationship which exists between these two parties which is well focused on fighting GBV and other injustices through training paralegals, some differences were revealed during fieldwork. They showed that some terms are imposed to ensure every side can attain what it expects in their coalition. However, some differences were noted during fieldwork. These differences highlight the scenarios which exist between donor and partner towards implementation of the set objectives. While talking to the informants they pointed out some differences in the interests and operational procedures between them. To understand what the difference between them was I asked this question to one of the informants:

‘are there conditionalities attached to their support that contribute to shaping the programme?’
And the answer was as follows:

“...conditionalities are there, because many donors have agendas on their support. But, it sometimes depends on the standpoint of the organizations. Always donors impose conditions on us, as they do to the government. Most time the NCA have their own areas of work, so you cannot work out of their boundaries, so what we do is to compromise with them. You will see that we inform them that we want to go somewhere....but they say you have to work in these regions because they have their own bases there. As you know the NCA helps organizations which are faith-based. At the end of the day we end up following their wishes. Although, this is not bad as someone could tell you-to campaign for gays rights or lesbian rights as other organizations have been eager to work on that. So to us it’s not bad because we don’t lose anything working through those areas. As far as I know we are both fighting for the same end”
(WLAC Official 3)

The relationship which exists between the two organizations is based upon the common objectives of fighting GBV and training of paralegals. On the matter and process of achieving goals each organization tries to put its expectations on the table for discussions. However, differences in decision levels and the capacity of the WLAC are subsumed into NCA objectives. In the 1980s donors insisted African states introduce market driven economies as a result, there are now many non-state actors and foreign donors in service provision (*see chapter 4*) as argued by (Doornbos, 2001; and Mercer, 2003). The quotation above strongly suggests that funds given to NGOs in Tanzania by foreign donors are attached with conditions. It has been argued by Abrahamsen, (2004, p. 1456) that the question of partnership in governance is rhetoric. It is a story of continued domination by the North over the South. However, not all partnerships are bad some can result in genuine mutual interest. From the analyses above it can be argued that donors still steer decisions and impose ideologies on the state and NGOs. Therefore, WLAC despite being a partner of the NCA in a mutual understanding and objectives working together in many programmes, brings us to the point that what has been the philosophy of governance does not apply to that maximum. WLAC finds automatically working on the bases of the NCA’s demands and conditions as donor.

From the information above I went further to know if there exists difference between two partners as seen from NCA perspective by asking this question: ‘what challenges do you face on making it work as one of partners?’ the answer was as follows:

“...it used to be really difficult, because they operated in urban areas only while we wanted them to go there in rural areas where the majorities are victims of GBV. We told them that we will continue to support them if they go to the rural areas. There is where we need them mostly....but am glad now it’s working. They have been there carrying mobile clinics and so on....” (NCA Official 2)

There is a well-established reciprocity between NCA and WLAC based on effective and efficient service delivery. The selection of partnership as described in the NCA selection criteria, and WLAC is supposed to work on the mission and objectives of their agreement, what they aim to achieve is good service provision to the beneficiaries by going to the remote areas. As the evidence above indicates of the donor-partner relationship between the two parties, it can be argued that while the partner is expecting to implement internally developed projects, the donor insists on the decentralization of services. This has pressured the partner to implement projects as per the wish of the donor and not as planned by the partner. As Mercer (2003, p. 743) writes, in order to see the role done by other actors and institutions, their agency should be visible as a mechanism to understand the nature of partnership and produced effects. Despite that the partnership is of mutual understanding between NCA and WLAC, in some settings the WLAC objectives are not visible in the sense that they work on the bases and demands of the NCA. This may likely bring some difficulties in the interpretation of the organization’s objectives acting to satisfy the donor without looking at the general impact to the beneficiaries.

Conclusion

In this chapter I have looked at the interplay between the WLAC and the NCA as donor-partner coalitions in Tanzania and how ideologies and decisions affect each other on the implementation of their objectives. I have described the selection process of partnership and criteria used to establish their relationships. The WLAC stands as beneficiary of funds and actor of policies and ideologies within state’s legal framework, while the NCA funds programmes and activities done by the WLAC and paralegals. The NCA also depends on the WLAC over knowledge as a resource partner.

The analysis however shows that despite the smooth relationship as partners in several programmes from policy making to decision-making, the WLAC operates within the NCA's framework as donor and ideology imposer. This to some extent limits the power of the WLAC as an independent entity to work within their thematic areas. Pressure from donors may have an influence on the validity of their reports, which could be skewed in favour of pleasing the donor, and continue getting funds rather than depicting the real challenges faced during implementation process.

The following chapter will discuss the role of paralegals and selection criteria used to train the new institution. Also, it will highlight the position of donors and how does it affect their performance during service delivery. In addition, the chapter will discuss the challenges and obstacles face paralegals during service provision.

CHAPTER 7: PARALEGALS: THEIR ROLES, IMPACTS, CHALLENGES, AND COMMUNITY'S PERCEPTIONS OF THEIR WORK

7.1. Introduction

This chapter provides an analysis of the roles of the paralegals and the impacts of the donor-partner objectives on their daily activities. The chapter also describes challenges faced by the paralegals through performing of their duties. Furthermore the chapter focuses on changes in the community as a result of the programme.

7.2. Motivation and Selection Process

As we saw in *chapter 6* with the formal selection criteria as presented by the Women's Legal Aid Centre (WLAC) and Norwegian Church Aid (NCA), many of the paralegals are women. One may justifiably ask who deserves to be a paralegal and who is selected to join the new cadre. Going through several interviews it was noticed that most of the paralegals selected and qualified for training were either recommended by members of the community or had some special social standing. The community contributed to the selection process in multiple ways. In one such manner, their influences created the chances to get trainees with good reputations to serve as paralegals. Trainees are selected based on either being an employee in a community-centred service with a good reputation—such as school teachers or religious leaders—holding some other role of significance—for instance, being a community development officer. This section focuses on the motivating forces behind becoming a paralegal. Through speaking with paralegals, it was revealed that there were two primary motivating factors. In the case of some, it was their dream to help people and the WLAC has made their dreams come true. For others, the problems in the community led them to become paralegals:

“...yeah this movement and activist attitude to defend women's rights it is in my blood. I used to fight for women engaging in Female Genital Mutilation (FGM). When I see a woman being abused it is not possible for me to remain silent; I could intervene and take them to police. In 1998 I met the Tanzania Media Women Association (TAMWA) who came to conduct seminars here, and I was impressed with their movements. From there it started to take its part in my life. I organized groups and we started to talk about 'women's rights'. We engaged in lobbying, awareness building among Maasai women and educating them about laws relating to women rights. In 2000 during TGNP (Tanzania Gender Network Programme) festival in Dar es Salaam

I met the WLAC: this was because of my engagement and long-time activism I had in relation to women's rights and sexual abuse. Finally, I attended training and became a paralegal” (Kiteto paralegal 2-Female)

Some may wonder how one comes to volunteer and serve other people without payment, since no one gets paid for this paralegal work. Is their involvement based on a long-term desire to help solve other people's problems or it is because the training is worth it for someone so invested in the subject matter? The answer is largely found in the former, which speaks to the passion of people not ready to see other individuals suffer from discrimination and oppression. Also, there are people who have always dreamed to bring change to the community in which they live. Therefore, through the engagement of the paralegal above, it seems clear to us that the WLAC has influenced her and accomplished its goal to help oppressed people—especially women and girls

It is also worth noting that, some of the paralegals who joined the cadre had other inspirational reasons for doing so. As a researcher I was interested in knowing what other reasons individuals could have for becoming paralegals. I realized that some were retired civil servants or were influential people in the community:

*“...from 2003 I have been working as a paralegal. Before becoming a paralegal, I was a special seat ward councillor, but currently I am an elect Ward Councillor of Itope. I became a paralegal after seeing many abused women because of oppressing norms and traditions. You know the Nyakyusa have a habit, when a woman loses her husband she has to engage in sexual intercourse with one of the family members from her in-laws, they call **Ngatage Minyasa**⁷, to remain as part of the family if not she will be evicted. With my councillorship I have been working to ensure that women's rights are protected. As an activist I play a double role: I lead the ward and fight for women rights. I work with my colleagues to conciliate, resolve land conflicts, and fight GBV and the like” (Kyela Paralegal 1-Female)*

With regard to the findings above, much has been invested in paralegals to deliver valuable services. In that manner, the characteristics that comprise a good paralegal include all of the following: a good reputation, activism, volunteerism, readiness, strong influence, and positive

⁷ Nyakyusa word which describes a process of engaging in sexual intercourse with some in-law family members to maintain family chain and as a cleansing process

organizational demands. The selection process shows a continuation of the principle of governance, as detailed in *chapter 4*, even to the implementers of the projects. It is an unpaid job; people serve sometimes by using their family resources to help clients.

7.3. Curriculum Content and Actual Training

Underlying the objective of training is the curriculum such training entails. Upon examination, it seems to encompass a broad range of knowledge in areas like family law, the rights of women and children, the legitimate powers of law and law enforcement institutions, laws pertaining to sexual offences, land law, inheritance law, counselling techniques, court procedures, constitutional law, gender and environment, the access to justice of paralegals, and basic knowledge of lobbying. And the above list only mentions some of what the training covers (WLAC, 2006; Mhoja, 2006, p. i). From field experience and observation it was noted that there is no national guiding curriculum to train paralegals; rather it is an organizationally-based knowledge. It is at least arguable that the curriculum content of paralegal institutions depends on the area where these activities are taking place and other factors attributed to the matters taught. Despite the training of paralegals to be versatile with regard to the organizations they work for in Tanzania, the curriculum for training or teaching these paralegals is not identical. The content and package differ depending on where these paralegals are providing services and the organization they are working for. Nevertheless, most of the informants during fieldwork acknowledged that the curriculum contains some common topics which every trainee has to learn. One of the interviewees informed me that for one to perform paralegal activities he/she has to acquire the basics of a substantive legal knowledge:

“...yes there is a manual guiding our work and what to deliver to the community. We are trained in some special areas related to legal issues. There are those problems in legal matters for example Land Act, Marriage Act, matrimonial issues, probate...these are the specific areas dealt with during training and are the ones common in the community. With regard to division of matrimonial property, most of the tribes traditionally don't recognize a woman to inherit property—only a man is recognized. When you go back to land rights, the same traditional beliefs hold the matter ...the reason is that they still believe a woman can anytime leave, she doesn't belong there.... Last year we were in Dar es Salaam attending extra training on GBV as special case. It has been noted that among the community members gender related problems are increasing over time despite efforts to abolish them” (Kiteto Paralegal 1-Male)

However, extra training needs to be carried out with regard to the given place. This is because there is great variation in the existence of precipitating factors to GBV. Interviewing some informants during fieldwork revealed that the WLAC has been carrying out those extra trainings after they reported the whole situation with regard to service delivery. If they see any developing tendencies which sustain and perpetuate GBV, they report for further consideration. In the end the organization carries an assessment of need to rate the nature of the problem and therein confirm or update the previous knowledge. Not does the variation of factors in training influence this, but also do changes in laws and community demands influence the whole process of teaching and curriculum content. Additionally, an official from the WLAC acknowledged too that, *“we have no registered national curriculum, but we have a training manual and organizational curriculum we use to train all paralegals. There are some common problems as legal basic knowledge, then later we can go for improvements as people can claim maybe here there are many sexual offences or criminal related issues, hence we carry extra training on those issues”* (WLAC official 3)

Most of the cases or problems paralegals handled significantly varied by region and organization. The prevailing circumstances and variations were likely reflected in my findings above. Variables including environment, region, and gender norms determine the prevalence of problems and the need for extra training and vary widely. Since there is no similarity in the existence of the problems, different areas need extra training in certain things. The findings explored above indicate diversified economies and how Tanzania is a multicultural society. Thus, problems of GBV and other gendered injustices vary from one region to another as will be shown in *chapter 8*.

While talking with some trained paralegal informants about the basics of their training and to what degree basic knowledge in legal issues suffices their community's demands, one of them revealed that:

“...actually they are training us in so many ways. The training we got to some degree helped us and suffices the demands. Even now we are working because of earlier basic knowledge we obtained. Also, they left us with some pamphlets related to different legal issues like land, marriage, inheritance...we have learnt all of them. That is why you will see we handle different matters every day. We try to advise people on what ways to follow” (Kiteto Paralegal 2-Male)

Basically, the WLAC and NCA as we saw in *chapter 6* do not want to produce lawyers, but rather the assistants that could link the community and its laws towards access to justice. One of the features which distinguish this new cadre is the degree to which paralegals hold positions. Looking back to what is revealed in the findings, it appears that some common problems arise during training such as: land disputes, matrimonial cases, inheritance, GBV, and the like (Ishengoma, 2011, p. 17). There are no specific topics which they rely on, but over time the content changes. In Tanzania paralegals are defined according to the organization under which they are working (Ishengoma, 2011, p. 22). Obtained legal knowledge is what has employed many paralegals in several places. They act as a buffer between state and the community. Also, it is another way of bringing cheap and manageable legal services to poor communities in rural areas especially for abused women and girls.

Furthermore, questions of time and technical language were raised during interviews. Many of the participants interviewed claimed that they fail to understand some technical terms used in statutes written in the English language. Sometimes it becomes difficult for paralegals to translate legal terms, because the knowledge attained is not complete. One interviewee explained during discussion:

“...in fact the training time and days are not enough compared to the content in the pamphlets we are given. You know we attend a training seminar for five days thereafter we start implementation. If you have a look at what is in there, we were supposed to be trained maybe for six months or even a year. So you can sense yourself how difficult it is” (Kyela paralegal 2-Male)

If a formal and legitimate lawyer or an advocate may spend four to five years to master legal skills, this leads us to argue in a critical ways about the question of time for training the paralegals. It is obvious that the limited time hampers their ability to master the basic legal knowledge they were supposed to obtain. This is because the training days described and as I observed during fieldwork hardens the paralegal activities in the field. The findings above describe the question of time to be incompatible with the training content. Thus, the duration of trainings seems crucial, and it generally seems to be a problem that there is no enough time for proper training. With regard to language and selection criteria set as we saw in *chapter 6* it is clear that for paralegals with standard ‘seven’ education the curriculum they must learn is beyond their level of understanding. Therefore, what is taught may not be understood and thus

not likely to be implemented. Ishengoma (2011, p. 21), in her study of paralegals in Tanzania found that there is great variation among NGOs and the training period for paralegals. It ranges from two (2) days to five (5) days. A study conducted in Kenya by Orvis (2003, p. 259) found that the content of civic education given by NGOs to their paralegal trainees was not satisfactorily explained. “Participants reported studying the subjects the same their NGOs are teaching. The findings reflected 66% was on human rights, 63% constitution, 52% democratic process, and 18% gender equity” (Orvis, 2003, p. 260). Therefore, with such significant topics and content the set time is not enough to cover all topics in relation to the needs of the community.

While some informants acknowledged that their basic training in legal issues helped them to work and deliver services to people, it was noted that the training to some degree has limitations. Different opinions were expressed to show the insufficiency of the given knowledge. When I asked about the suitability of the course/training, informants had different views with some insisting that more is needed. This was revealed by one of the interviewees:

“...trainings we get do not completely satisfy community demands. Because, it is not as if they take you to the college, rather is a training of 5 days to 2 weeks. So if you want to go deeply into the topics they teach, you need more time. I cannot say it is one-hundred percent sufficient. A person needs to work hard, because there are massive demands from people. We need extra efforts on that. It takes a person’s spirit to seek further education especially when it comes to legal language and terms used in various laws which are difficult to understand” (Iringa Paralegal 1-Male).

It was observed during fieldwork in Mbeya while I was attending the paralegal training that many of the participants responded effectively to lessons tasks given. It was noticed that many of the selected trainees were women, and they appeared confident with the subject matter. Also, looking at the group discussions after training organized to measure if the lessons were understood, groups consisting of only women had a high degree of exchange of ideas and conversations compared to mixed-gendered groups. Also from the observations of paralegals in action, it was evident that clients felt safer telling their problems to women rather than men, while paralegals performed very well in using their legal knowledge. Other than in a few cases during training, however, some trainees exhibited hesitation in describing legal terms which were difficult for them to understand. Therefore, despite efforts to train paralegals, they are not

able to fully satisfy the community's demands as service providers. Tellingly, having a higher number of women paralegals helps to empower women at the community level and also makes female clients feel secure in expressing their problems.

7.4. The Paralegals' Activities and the Communities' Perceptions of their Presence

The paralegals have the potential to transform power relations and bring equality to both men and women. Paralegals, also, have many different roles to play within communities. There is no specified role they play, but they are typically involved in anything related to the rights of women and girls and the community in general. In all semi-structured interviews with paralegals it was noted that the role of the paralegals was generic in nature:

“As a paralegal my role is to advise the community, conciliate people with conflicts, fight for women's rights, mostly we deal with legal issues like marriage, inheritance, children rights, land rights for women....etc. Generally, I stand as a first aid legal service provider to the poor communities which have nowhere to go or nowhere to start. That is our core function. The service we provide is free of charge” (Mbeya Paralegal-Female).

Another informant expressed in a different way her role as a paralegal. She integrates herself into the community by being a community advocate.

“....if I was asked what is my role as paralegal, simply I could say I work as 'community advocate' who provides service to different people with different problems including reconciliation, basic rights follow-up, and all matters pertaining to legal issues, although I am not a lawyer. I tend to clients, listen to them, provide directives, and escort them to court.....” (Kiteto paralegal 1-Female)

Primarily, paralegals integrate into communities and help on cases which are most common and where there is no fair treatment of clients. They are working on several matters, collecting debts, legal assistance, lobbying, and awareness building. It is important to recognize that paralegals have no specific role. As indicated by the above problems, my fieldwork shows that paralegal activities constitute a large portion of community based-problems. According to Orvis (2003, p. 260) in his study carried out in Kenya, it is argued that the main goal of paralegals is to assist in individual cases with legal assistance. They work in justice related problems: providing legal information, mediating conflicts and assisting clients with cases. Service

provision is free of charge. Paralegals are carrying out their activities in a top-down approach by sensitizing people, lobbying, awareness building, and reducing power asymmetries between the marginalized and those in power through legal aid clinics. Therefore, it is fair to argue that there are no specific roles assigned to paralegals and that activities depend on the settings of the community and nature of the problems.

Communities perceive paralegals in diverse ways. There are two main views on the presence of paralegals. One is positive, where they see paralegals as a final resort to their problems, and the other is negative, with paralegals seen as enemies by both the community and local state structures. Such explanations led me to ask the following question: “Who perceives you as their assistant?”

“The community is happy with us. We have good relationship, because we resolve their problems, and some men have come across and appreciate what we are doing. Because sometimes problems are not only related to GBV—issues like land conflicts, loan recovery— we solve them. The community recognises us, and they collaborate very well. This has come because of what we have been doing. In fact we are doing well” (Kyela Paralegal 1-Female)

Despite that paralegals are generally appreciated by the community, some members of the community and the structures of the society itself have occasionally been a barrier. There is also the influence of patriarchal practices, as the explanation below reads:

“Some tribes see women as nothing, merely an object for men. She has no potential to defend. So when a man sees you, even if you tell him that you have a complaint with him, he says....aaah...Why should I go there, only women are there. I am not going” (Mbeya Paralegal-Female).

Recognition is another issue raised by some informants, as one explained; no matter what they have been doing, some people do not recognize them and turn down their efforts. They are often seen as enemies by the offenders:

“Honestly the community has different perceptions. For instance when you try to defend and help a person who has been denied his/her right, the other party which is responsible for holding the right of the claimer will see you as an enemy. This has brought so many problems to us.....” (Kiteto Paralegal 2-Male)

When it comes to institutions in charge for ensuring justice, some of them are not treating people fairly. With regard to the position of paralegals, it has produced a troubling system where some see people's problems as a source of profit. In this way also paralegals continually face obstacles and are getting little support, while some institutions do not recognize them. It was explained to me as the quotation below exemplifies:

"We have so many challenges in the face of accomplishing our duties. For instance institutions like police, we differ from in so many ways. Because police you know when they want to handle the problem, they take it in a business-like way. What they seek is to be bribed. That is not a good way to promote justice. So when we go with our clients to ensure justice is observed, they see us as people who hinder their chances to get something" (Kiteto Paralegal 1-Female).

It was further explained by another informant in a different way about how the community perceives them, especially the institutions granted power to ensure justice prevails, as reads below:

"...for instance these primary court magistrates, they mostly hate us because we take their daily bread which partly they take it as business. Especially the Kyela primary court is a big problem. We get good support from district court where his honour perceives us in a different way, and he knows the problems surrounding many women" (Kyela Paralegal 2-Female).

As assumed in the methodology section (*chapter 5*) the two regions Mbeya (Kyela) and Manyara (Kiteto) represent the exact picture of what is going on between state institutions and paralegals as well as the community. As discussed in *chapter 4* on the role of non-state actors to assume the role of the state in service provision encouraging transparency and accountability that is not happening in Kyela and Kiteto. The paralegals are working to help the survivors of GBV, but state institutions like courts and police which are trusted organs to protect rights and justice constrain paralegal initiatives. Paralegals are clashing with the prevailing hegemonic patriarchy which hampers their efforts to bring justice and rights to women and girls in transparent ways.

In spite of objectives for establishing paralegal programmes to have a focus on women, as a researcher I was interested to know which gender leads on service access and why it is so. It is crucial to know this because recently, paralegals have been performing more tasks. Also, it was

my aim to find out whether power imbalances between women and men had any influence on this. While talking to one of interviewee it was realized that:

“...most of our clients are women despite the fact that even men are coming. Many problems mainly affect women. Most of them concern battery, marriage conflicts, female genital mutilation...you know many women are still inferior, they are not aware of their rights, and superiority complex from men (patriarchy), they still believe that to be battered is right...” (Kiteto Paralegal1-Female).

However, another interviewee explained in a different way as to why many men do not want to ask for help. The quote below exemplifies:

“...you know many men don't turn up for the service because of the patriarchal system. They feel shy to ask for help. For instance, I had one case concerning a husband being battered by his wife, and as a solution he deserted his family. His wife came and set a complaint that my husband has disappeared, she went to the police, when they called him he said I always go to the office, but I don't want to go home because my wife keeps hitting me. So those are the cases...and men feel shy to set a complaint” (Iringa Paralegal 2-Male)

From field experience I have learned the primary reason men may not ask for help is because many still believe for a man to be sexually or physically abused by his wife proves he is weak. They show resistance as a way to sustain patriarchal organizational structures. The principle of gender equality is yet to be understood by many men. The findings above depict the discussion in *chapter 4* on hegemonic masculinities as argued by Silberschmidt (2005) that some men, in order to save face, may end up doing things which they believe would sustain their power as breadwinners. Given the vast body of research conducted in Africa, unequal power relations may stem from family structures, economic relations, education and exposure experiences (Musa et al. 2006, p. 89); such histories have put women in a place where they have no equality vis-à-vis men. Therefore, the findings above reflect how men are resistant to acknowledge that they are sexually or physically abused to sustain the gender norms of men as breadwinners.

7.5. Success on Service Delivery

The paralegal programme has brought some remarkable changes to the community and to women in particular, as the primary beneficiaries of the programme. Awareness has increased; a

positive attitude is seen among diverse groups and within the communities where those paralegals are working. As one informant explained in connection with a rape case:

“...there was one case involving a man from a well-off family in Iringa. Some people went on strike to avoid becoming witnesses because they were afraid of his richness. Still we kept going to the court although it sought to be cancelled but we struggled. The side of the accused came to me to withdraw the case by bribing me seven hundred-thousand Tanzanian shillings (700,000), they went further—to court—to buy the case file, but I refused. They came again with two (2) million Tanzanian shillings thinking maybe it wasn't enough. I told them I am not a guardian or a parent of a kid, or a magistrate. They went to the parents, and they refused, intending to call Prevention and Combating of Corruption Bureau (PCCB) officials. Finally they went to court and the file disappeared mysteriously. The Magistrate called the case twice and said if he called for the third time without seeing the file, the case would be erased. I called the parents of the survivor to my office and agreed to write a letter asking the court to look for the case file and secure it. Since normally the magistrate and court clerk are the ones who hold the case files, how could it disappear? We asked the court to look for the file, or we should re-open the file for the case proceedings. The magistrate asked the clerks to find the file. The day when he called for the case the file was there; we are happy that despite all those troubles....the verdict was fair and the offender was sentenced to thirty years (30) in prison” (Iringa Paralegal 2-Male)

This also was further explained to me by one of the officials from the NCA regarding changes to the community as described below:

“I am happy that you can see now many people are coming and reporting their cases and also you can see people are getting their land back, for example women (widows) who have been abused by their relatives and husbands. Also going outside for fieldwork we find out a lot of issues which before were not there. Behavioural change is not easy to see, but you can see it if you want to because coming to the service itself means there is awareness. Also people go and report their issues to the police; they see the police as part of their life these days” (NCA Official 2)

Being a paralegal you have to deal with the fact that it is an unpaid job working under temptations and intimidations. Some settings may understandably tempt you to accept privileges and corruptions noting that you have nothing to lose as far the survivor is not paying you. The

findings above describe a situation that a paralegal is working under while at the same time conflicting with masculinities and the community. Despite the bizarre circumstances, the paralegal managed to achieve the goal and the accused was sentenced to 30 years imprisonment as punishment for his crime. Chopra and Isser (2012, p. 354) argue that the training of paralegals has been a promising strategy to engage women's rights in legal frameworks at the community level through negotiation and mediation in several matters where the formal system seems to discriminate against women. It was found in a study in Indonesia that the paralegal programme plays a central role in justice acquisition for the poor majority. Poor people have managed to defend their interests despite the presence of a non-conducive institutional environment.

However, one of the WLAC officials explained that despite the changes and success they have seen, sometimes it is difficult to measure the exact and noticeable level of changes. Their measurement of success is more related to documentation and behavioural change. As the quotation below reads:

"...this is a long term objective and plan. It takes years to accomplish and bring impact to the community, because it involves some things related to the behaviour of people. Of course it has been difficult to measure changes and impact. Unfortunately we do many things but we document less. We wish to work on that..." (WLAC Official 4)

While service delivery has been efficacious in many cases, in some scenarios during field work I noted some could not be handled. The main challenge was at the level of engaging with the problem. There was disconnection between cooperation of parents—and the community in general—and the service providers. As an attempt to describe what could possibly be a failure or challenge, an interviewee argued that:

"...we had one client, a student. She was one of the girls who were taken to be married. We decided to take her to boarding school to help. Still family members followed her to school, as did the man who wanted to marry her. The guardians spoke with the man who wanted to marry her and agreed to set a trap for the girl to conceive, as a way to accuse us as responsible for the matter. We failed to continue helping her. We finally returned the girl to her guardians. We helped her for six (6) years, counselling her but she could not change. The bad thing is she is an

orphan. For now we don't know if she is married or not, we tried to rescue her, but it did not work” (Kiteto Paralegal 2-Male)

Given the prevailing attitudes of parents and some members of the community and the bargaining power between the two parties as a strategy to help, there is a little chance for cooperation. The situation in Kiteto shows how the community to some degree is not aware enough of the rights of women and girls despite several campaigns. From my experience in fieldwork it was noted that some norms and traditions (the Maasai) that violate women's and girls' dignity are still regarded valuable. As a way to understand why it has been difficult to bring to justice all those perpetrators of violence against women and girls' one argued:

“...you know one of the most difficult things we have in our community, especially, is that the Maasai have strong unity. They operate things in a more secret way. When it happens there with such things involving their traditions they won't let you know. Many people may be aware of what is happening, but secrecy prevails among them, something that results in such actions of GBV” (Kiteto Paralegal 2)

There is great resistance from patriarchal communities which believe women and girls are not supposed to be involved in decision-making or have the right to education. Such societies are still strongly bound to cultural norms and traditions which discriminate against women and girls. The Maasai community in Kiteto reflects and shows how strongly they believe a girl has to be married young and not to go to school. During fieldwork I observed some practices and heard one person even say the Maasai have a tradition of paying dowry to unborn babies. If it happens that the child is born a girl, she automatically belongs to the man who paid dowry. According to Chopra and Isser (2012, p. 355), the obstacles to women's access to justice include formal and informal systems, and understanding socio-cultural practices and the dynamics of power relations is very important to understanding the fight for women's rights. This is because communities like that of the Maasai in Kiteto still live and believe in discriminative traditions and norms against women and girls. Chopra and Isser (2012, p. 355) further argue that despite the paralegal institution providing help largely to women, no evidence showing their impact on local power structures is present. The community and local authorities seem to put up resistance to what paralegals are doing. Based on the findings of this study and the study conducted by Chopra and Isser as shown above, some communities are strongly bound together with norms and traditions of which legally enforceable transactions may not

well be implemented. This in turn creates barriers to women and girls in those communities for the paralegals not to foster formal rights of women. Despite its extensive deliberation, the paralegal programme has not managed to help all their clients. Also it can be argued that the prevalence of strong socio-cultural norms and patriarchy in many communities plays a part in the continuation of actions which perpetuate GBV and other injustices in Tanzania.

7.6. Challenges Facing Paralegals' Practices

Notwithstanding their often good work, paralegals continue to face many challenges from the community and institutions responsible for seeing justice prevail. These have hampered the volunteer spirit to some of paralegals who ultimately have ended up withdrawing. It has also created conflict and misunderstandings, and—especially—actions which affect the personal interests of various groups whose focus on people's problems is about profit-gaining business. One of the challenges raised by the informants is related to recognition. The quotation below exemplifies:

"...we have been working with this for so long. Sometimes you go to court escorting your clients, and you will be asked, "Who are you?" It becomes difficult even to defend your client before the court, especially for those who don't know how to express themselves, particularly women. You have no power of attorney. The government is not open; there is no policy which recognizes us. For instance our fellows in Malawi, the Republic of South Africa, Sierra Leone, and Zimbabwe are legally recognized, but not us. If they work on that hopefully it will reduce disturbances" (Iringa Paralegal 1-Male)

This was further explained differently by one of the officials from the NCA describing them as a very important cadre along with other departments like health which recognizes paramedics:

"...a lot of paralegals have been set up working across the country, but under the current laws these paralegals are still working extra-legal. They are still hidden. There is struggle: how do you recognize them in terms of giving them critical legal mandate to operate? There has been a tense debate between the conventional lawyers and non-lawyers in terms of who knows legal procedures. If you look at statutes, they recognize the paramedics and they are regulated. Medicine is much more delicate. I think for those who have been trained already they should be recognized to help them to engage fully on job without bringing problems to them" (NCA Official 1)

The presence of paralegals depends on the understanding of a given community and local authorities. In some areas they are positively accepted and in others they are not. This is because there is no nationwide bill passed to recognize the paralegals presence. The above findings reflect other studies in showing a variation on definition, training, and recognition, weakening the efficiency and performance of paralegals in service delivery. While problems of GBV and other gendered injustices are expanding, the efforts to alleviate its impacts are diminished because of such barriers. The study conducted by Maru (2006, p. 467-469) shows that in South Africa, Zimbabwe, the Philippines, Malawi, and Sierra Leone paralegals are formally recognized in the legal system, and they are working within legal frameworks. Ishengoma (2011) in her study in Tanzania found that each organization trains its own paralegals and each are working on different matters. Therefore, the recognition of paralegals in Tanzania depends on the organization one has been trained by and works for. There is no legal bill which guides their activities or recognizes their presence.

Resources are very important to enable service delivery to the people. These resources can either be tangible or intangible. During field work it was revealed that financial difficulties hinder many of these paralegals in reaching their beneficiaries, especially in the interior of rural areas and with crime scenes. Those who are working in the up country mentioned many problems pertaining to transport and funds to finance their activities. One of the informants expressing this argued that:

“We face many challenges, some we overcome and some...yeah, no. In Kiteto, we have so many girls encountering forced marriages and FGM. They don’t finish school. For instance we had a girl who was taken to Handeni to get married and as the unit we did not have funds; how could we go to rescue her? So we had to let it go because as a unit we could not afford to finance transport to make sure she goes back to school” (Kiteto Paralegal 2-Male)

Despite the good work paralegals are doing they are constrained by limited resources. The resource factor is one of the reasons that contribute to poor performance in the field. When a case involves communities in remote areas, paralegals are likely not to show up on time or to help the survivors of GBV, as we saw the above case. The study conducted in Sierra Leone by Maru (2006, p. 464) found that the continuation of the paralegal programmes depends on the capacity to raise resources. Paralegals were paid \$200 USD per month. Also, funds were raised to run other costs related to the project, such as transport and office rents. The programme

heavily depends on donor funding, and receives no state support. Orvis (2003, p. 250) also found in Kenya that the most common obstacles for rural paralegals were funding and transport. In accordance with the findings above and the study conducted in those two countries as cited, the sustainability and efficiency of the paralegal project of service provision depends on resources. From the findings above we can therefore argue that insufficient resources inhibit the survival of the programme. Also, during service provision, paralegals may be incapable of effectively handling matters which are beyond their ability.

Sustainability was one of the challenges revealed by informants. Some argued that because the job operates on the context of people volunteering many would end up withdrawing from unpaid services. Most of them opted out by doing personal business, because at the beginning they joined thinking they would be paid as the quotes below show:

“...many people we were trained with have quit. For instance during training we were twenty three, but now as you can see we are only five. The rest told us that they could not end up doing a job which forces them to use their own resources at the same time as it is a voluntary activity”
(Kyela Paralegal1-Female)

The prevalence of paralegals depends on the available NGOs and the distribution of funding. In accordance with the findings above on the context of paralegals in Tanzania, it is evident that most of them are not sustainable and scaling up is difficult because they depend on donors and are working through NGOs. Consequently, if NGOs are financially weak, it affects even the workings of paralegals at the grassroots level, of which most of the paralegal units established fail.

7.7. Impact of Donor-Partner Objectives on the Paralegals’ Activities

In the previous chapter (*chapter 6*) we saw the interrelationship between donor and partner regarding the framework that the paralegals work within. We will now see how this framework conditions the work situation of the paralegals. Moral or material support from donors and partners has both tangible and intangible impacts on their daily activities as revealed by an interviewee during the discussion:

“We have been in good conduct with WLAC in a very diverse way. One is through capacity building by making us to be a big and independent entity. They have been organizing trainings

every year on matters related to land acts, gender, and marriage....etc. Also WLAC tends to organize and observe which paralegal unit needs more support and divide what they have to ensure it survives. They buy some office materials and stationary and books. On the side of funds, we write project proposals and plans to the donors that we channel through WLAC. Sometimes they advise usplease try to ask for support from these donors. Generally their recommendations have helped us....” (Iringa Paralegal 2-Male)

To ensure that the paralegal units prosper no matter what challenges they are facing, small tokens are given to ease some of the operational costs. Also, it has been a matter of them wanting to see communities recognize and acknowledge what they do. As one of the NCA officials said:

“...is not fully wherever and that is done of course between us and the WLAC, and once it is accepted then they do training in terms of scaling up the training. Then once it is done they go and set up a unit. It might involve having infrastructure; a small office somewhere will be visible because for you to work within the community and for people to be able to trust you, you must have something that gives you credibility. There is an image issue; I mean how it comes that people have problems and come to your home place and you talk about paralegals. Some men may not like that. So you need to have a place somewhere that they are able to be visible and do what actually makes people come and report their problems. When it comes to the basic running of these institutions, small tokens to ensure they pay rent for a month in the up country—which is not much money—we give them to meet these basic operational costs” (NCA Official 1)

Downsizing, hence expanding responsibilities and implementation of the objectives, WLAC works through training paralegals. The process does not end at the training level but goes further to the setting of a unit that officially renders services to the beneficiaries, typically women and girls. The WLAC as a resource partner to NCA gets material and financial support for its established paralegal units to ease service provision in rural areas. However, as the findings above depict, the support does not cover all necessary operational costs which harden the working conditions of the paralegals in the field. During fieldwork in Mbeya, I observed that there is no direct support issued to the paralegals and no known donor funding their activities. Support was coming from different organizations interested in what paralegals were doing. The findings above depict and conform as discussed in *chapter 4* that donors play a very

important role in policy-making, ideology formulation and decision-making. So to speak, from policy formulation, inauguration, and hence implementation, the WLAC and its trainees work together to provide services to people. Therefore, the existing dimensions between donor and partner on the other hand determine the paralegals in the field. The alliance has either a direct or indirect impact upon their activities. What NCA is trying to do is to ensure that small challenges which need immediate solutions do not hinder the performance of paralegals in service provision by supporting training, office rent and materials.

Conclusion

In this chapter the analysis I have presented describes the role of paralegals in service delivery and how they work to challenge the hegemonic masculinities without recognition and appreciation from the state. The chapter has further presented the role of paralegals in championing principles of good governance such as transparency, accountability and revealing corruption. Furthermore, the chapter has highlighted challenges paralegals encounter during service provision in tackling judicial challenges and gender-related injustices, pointing out clashes with state organs responsible for the provision of justice and rights. The chapter also recaps the role of the WLAC and NCA on the training of paralegals to achieve the organizations' objectives of fighting GBV and other gendered injustices where female activism seems to dominate the process.

The following chapter aims to present the community perceptions on the presence of the paralegals and the beneficiaries' views on the service delivery. The chapter will also analyse the causes of GBV and success stories from the beneficiaries' point of view.

CHAPTER 8: PARALEGAL SERVICES, IT IS IMPACTS ON WOMEN AND GIRLS AND THE FIGHT AGAINST GENDER-BASED VIOLENCE AND OTHER GENDERED INJUSTICES

8.1. Introduction

This chapter offers a background for understanding the perception of the beneficiaries of the programme and the presence of the paralegals in their communities. Also, it captures reasons why gender-based violence (GBV) is perpetuated in various communities, and examines actual changes brought on by paralegals. The chapter further focuses on suggestions based on the literature review as well as semi-structured interviews from beneficiaries on what should be done to extend programme's coverage to more members of the community.

8.2. Reasons for GBV

In many communities the causes of GBV vary according to the nature of the society and prevalent cultural influences. The same applies to the informants of the interviews. Everyone I came across described situations which led to abuse, but many of those scenarios were different. The following are some of the factors which perpetuate GBV as I found during fieldwork.

Drug abuse, defrauding, and alcoholism-were pointed out by survivors as factors for extremely high GBV rates, especially sexual abuse, battery and rape. This was revealed by some informants in Manyara and Iringa during fieldwork. This phenomenon was an attribute of so many gender dynamics as concerns gender relations. Some parents would consume too much alcohol and sometimes rape their own children. Intimidation, fear, power and arrogance constrain the lives of women and girls in Tanzania. Still other traditions and norms regard women and girls as people not supposed to question men's decisions in the family—even when they are oppressive. Men have privilege and their position in family decisions comes at the expense of women and girls. As a result, men treat women and girls as uninteresting and irrelevant in society and its cultural structure (Berggren, 2005, p. 7-8). As discussed in *chapter 4* on the role of gender norms and power differences, being a man works like permission for the exploitation of women and girls.

Superstitious and poor traditions and beliefs-the idea of becoming rich through superstition has compromised the lives of many women and girls in several parts of the country. Incidences

of killing people with albinism, and those accused of being witches and raping are widespread. Such practices severely affect women and girls. Many men engaging in dreams of obtaining wealth without working or investing capital have placed the lives of girls in danger. Cases of young girls being raped are becoming increasingly common. It was realized during fieldwork in Iringa and Manyara that many rapists acted on the basis of advice from traditional healers. In these societies it is believed that if one wants to be rich one has to find a virgin girl and rape her early in the morning before everyone is awake. While interviewing a little girl, she acknowledged that:

“...when I went to school every day he used to give me some sweets and money saying he loved me. He told me to pass nearby his shop every morning if I needed something. One day he called me to his home saying he had something to tell me. He threatened me that if I told my parents about what he was going to tell me they would die. I had to remain with it. I was afraid my parents to die because my father passed away. I wanted my mother to remain. I said okay... from there he said what he was going to do would make him rich and he will help my mother too. I said yes. He took me into his room and took jelly, oiled on my.... (crying)....private parts. He said he was not going to insert the whole.... He told me if I cried my mother would die. I remained silent. He started saying he would put only the front part of his penis for that day. So every time I went to school in the morning or evening I passed by his shop and we were doing it. He said if I would not do so my mother would die. When I asked him about when he would stop it he said he would tell me. He said I will tell you my self. He did not stop until my aunt found out and told my mother...”⁸ (Iringa Beneficiary 2)

Life frustrations and changes in the modes of production where the economies of nations are extremely competitive and success is often determined by huge amounts of capital, people—especially men with low incomes—find other ways to attempt to get rich. As a result, such alternatives become precipitating factors for newly emerging tendencies and new gender dynamics using the excuse of toughness of life and poverty. Eventually women and girls suffer from those new gender practices. From the study conducted by Tumwesigye (2009, p. 32) in Uganda and Silberschmidt (2005, p. 196) in Kisii and Dar es Salaam, it is argued that due to

⁸ The story above involves the girl aging between 14 to 15 years raped in Iringa. As per ethical guidelines and objective of the study, the interview was conducted under her parents’ consent not to violate ethical procedures because she was under age. Also, the story is used to portray actions which seemed dominant in Iringa region.

social and economic changes and men feeling incapacitated to handle their family affairs, men have behaved differently to their families. In order to regain control they turn into being rapists or act aggressive to female members of the family. Two stories from my study reflect this situation as described by Tumwesigye and Silberschmidt. As can be seen from the context above, such gender dynamics push the Women's Legal Aid Centre (WLAC) through paralegals to provide legal services to women and girls who are survivors of GBV and other gendered injustices. Paralegals have been working to tackle such masculine behaviours emerging in women lives, which affect performance and decisions as people with self-esteem.

Family planning-in some areas family planning triggered misunderstanding and conflict between intimate partners. Informants revealed this in Kyela and Iringa as one of the main drivers of women experiencing GBV. When their husbands come back home drunk there is no agreement between them to engage on sexual intercourse. Rather men use their privilege to force themselves upon women. Sometimes, when a woman decides to make use of reproductive health resources without consulting her husband, accusation and mistrust erupts between them with some men claiming for divorce or beating their wives saying they are having an affair with other men. As one of the informants explains:

"...when I saw the situation was not good, my husband spending time on drinking...and when he comes back forcing me to have sexual intercourse while I have a little kid I decided to join family planning....I wanted my child to grow healthy. If I wouldn't have joined family planning I would have conceived already...he is not good listener. This was the beginning of the conflict....when he heard from one of my friend that I am attending family planning he became mad at me and was not even leaving me with money at home. He said to me do you know why did I marry you? I needed you here to produce kids for me, not coming here sitting and eating.
(Beneficiary Kyela)

The findings above are reflected in the theory (*see chapter 4*) by a study conducted by Brenner (2000, p. 25), that the spread of a new capitalist system in rural Tanzania has disrupted the older forms of male dominance due to a change of the long-term sustained patriarchal practice of males being bread winners. In the example above, a woman decided to join family planning to safeguard her dignity and self-esteem and not as become a baby-producing machine. The decision led to her being denied support from her husband. This is to say, while women are becoming more vocal to their partners about their positions before having a child, actions of

violence—like battery and divorce—evolve. Men who feel disempowered cannot continue to practice their masculine gendered roles because women have become empowered to exercise decisions over their own bodies. It can be argued that women are changing their statuses and positions in non-confrontational and non-threatening methods (Tripp, 1989, p. 604). The case above illustrates the position of paralegals and why they are integral in service provisions. This is because women and girls who are voiceless need to be heard and supported to gain power to speak. Women often are not allowed to make decisions over their own bodies, and in many areas they are viewed as child bearers with no freedom to decide anything.

In many patriarchal societies for widows to remain in the family compound they had to engage in sexual intercourse with one of their late husband's family members as a way of removing curses and sustain the family chain. If not, she has to move out of the house and all properties are confiscated. This has placed them in a very dangerous position as I was told during interviews in Mbeya, Kyela, and Manyara. One of the reasons for this disparity is that women are discriminated against by cultural practices. Many women are considered not part of their husbands' family. They have no right to own property even when the wealth was gathered as a family. The story below exemplifies the context:

“When my husband died in-laws came and said I was supposed to leave the house. I asked why? They said to me, I have no right to own properties there. Land and house belongs to the family, I am a woman I have to leave the place. I told them I am not leaving. One day my father in-law came and threatened that I would not last long, that I would follow my husband soon. They threatened to bewitch me. I said to myself, I have to let it go. I don't belong here. Why should I die? I rented an apartment nearby where I live with my family. All land plots, house, and any property we gathered with my husband were confiscated” (Beneficiary Mbeya)

The customary law of Tanzania discriminates against women and girls in terms of property ownership and inheritance. For many women, especially widows, when their husbands die their lives completely change. The family of their late husband takes control in everything left to the family. As a result women and girls remain helpless and lose many of their belongings. This customary law conflicts with the constitution of the United Republic of Tanzania, which guarantees everyone's right to property and gender equality. As argued in *chapter 4*, with social structures amplified by a gendered division of power, one gender may be relatively disadvantaged and experience unequal access to resources. As the case of the widow above

illustrates, some gender norms such as those involving inheritance discriminate against women. It is further argued in the study conducted by Izumi (2007, p. 14) that in sub-Saharan Africa women do not enjoy statutory rights that are the same as men on property ownership but under customary law they have limited chances to use resources and properties which belong to the male family members. It is common for a widow according to customary law to support herself and her children. Many women are excluded from inheriting their late husband's property and if they manage to do so, they own only few belongings (Poulsen, 1995, p. 38). The eviction from family property has created a vacuum in human rights definitions, of which paralegals have been working on to offer women the best way to access their denied rights (Poulsen, 1995, p. 38). As the evidence above suggests, paralegals play very significant roles in tackling privileged masculinities embedded in the social lives of women. Paralegals reveal traditions and norms which perpetuate discrimination and the subjugation of women to inherit property which violates both their economic freedom and human rights.

8.3. The Actual Changes brought to Beneficiaries

As argued in *chapters 6 and 7* on the objectives of training paralegals and their role, for that reason, this section presents change brought to beneficiaries. The introduction of the paralegal programme has dramatically changed the lives of many Tanzanians in the last two decades. It has only included women and girls but also the community in general. A new cadre of paralegals has proved valuable to many women and girls, especially in rural areas. This institution has offered a promising voice to women. It acts as a factor to empower women by changing unequal power relations rooted in social structures between the state and poor people.

GBV is predominantly perpetrated by men. It is bound by masculine behaviours which often derive from various traditional practices. Women and girls experience GBV because of their identity and social position. If the beneficiary would have been a man in a multicultural community like that of Tanzania he would not have been treated in such a way as the story below exemplifies:

"I did not expect he could beat me at that time. When he came back that day holding beer, he was drunk already. He went directly to his sleeping room; I was with my guests advising me about business because I do poultry. The moment guests left he started beating me soon after I took shower. We differed on a very small thing; he asked me if chicken had eaten, and I said

they had eaten, do you think till now they could not have eaten? When I started heading to my room because we had already separated on sleeping due to his drinking habit and beating me, he started again. I did not want to go anywhere to present my matter because till then we had gone through several reconciliations both at the village and police levels. The wounded mark you see on my hand is because of this man. I have lived with this for so long tolerating and believing one day it would be over. But since I went to see these people there, nothing is bothering me anymore. It was rare for me to stay a week without reporting being physically or tortured to the village chairperson. In the past and now there are a lot of differences. In the past I could wake up and see nothing on the table for family maintenance. Now I wake up sometimes I see five thousand (5000), ten thousand (10,000) shillings. Now he gives me I save some, he comes back with fifty thousand (50000), one hundred thousand (100,000) shillings and he says my wife take this and save. As you can see, we have another kid. He has opened a shop for me here. When he comes back he says my wife this is what I got today. Now we share a lot, I am so happy, God bless these people they helped me for free, we are happy now....” (Beneficiary Iringa)

As we saw previously in *chapter 4*, men can opt to do things which sustain their ego as breadwinners even when the social and economic situation changes. The findings above in Iringa depict a case of a woman whom, while sitting with her business friends planning how to raise and maximize profit, finds her husband arrive home drunk and beat her. This is a sign of men feeling weakness as women begin to realize their rights. The more awareness grows over women’s rights, human rights, and economic sustainability, the more men feel insecure in their privileged position. As a way to retaliate, new behaviours are adopted to strengthen their masculine behaviours in the struggle over power and dominance. Looking at the context of paralegals, we see that they have managed to mitigate practices that maintain the dominance of men over women as a way to establish gender equality among men and women. Legal aid and legal mobile clinics are services seen to be more often accessed among survivors of GBV in accordance with these findings.

In some places it was revealed that inheritance and property ownership are very well determined by cultural practices and traditions. Patriarchies determine who owns what as successor of the deceased. A study conducted by Ezer (2006, p. 603) found that some Tanzanian government documents included clauses in their constitution that called for the elimination of all traditional

and customary forms and practices in terms of traditions and customs which perpetuated gender discrimination in inheritance. However, the clauses in the constitution have not been legally enforced as they were intended. This was evident in almost every place I visited. Informants, especially widows, revealed that when their husbands died they were threatened and were evicted from their houses and had no right to own property such as land and cattle. The story below illustrates the whole situation as representation of the other areas:

“I married my husband and we had four children. The problem began when my husband passed away. My in-laws and some of the family members came up demanding that because my husband is dead I have no right to remain in that house. I asked them why all these are happening now? He was so sympathetic to your demands and problems and now today you claim I have no rights to own this house with my family? It was in 2006 I heard from someone that I could go and see people called the paralegals about my problems. That they would help me and that their service was for free to women with problems like I had. I went to see them and I explained the situation about my in-laws allying with some members in their family to evict my family from the house we built. This is because the Safwa [tribe] have norms and traditions that require a widow to leave the house and other properties following her husband’s death. So they appointed the brother of my late husband to take care of me, the day he came I refused and that was the beginning of the ambiguities. But lucky enough, when I went to see these paralegals they took the case to court, and I was declared the winner. We were to remain in that house and all properties without being disturbed. I did not know about this service. I am so happy. Till now I live with my family in the house we built with my late husband. If it was not this centre I would not have been staying here anymore. They have helped me to secure my house and my family. I wish all women with problems like me could see these people, the service is free. Out there, so many women are suffering” (Beneficiary Mbeya).

The question of inheritance under customary law in Tanzania does not favour women as it does men. In many societies male privilege occupies the whole process in decision making over property ownership, as customs and traditions instruct. As we saw in *chapter 4* gender roles play a greater role in amplifying gender masculinities as depicted in the case above. Despite the fact that GBV has recently gained momentum, patriarchy is rampant in many societies. As Connell (2009, p. 83) argues, ‘meanings’ bear the traces of social processes; similarly ‘cultural’ systems bear particular social interests which grow out of historical ways of life. Patriarchy as

part of a social process and cultural system emerges as widespread out of other cultural practices, as we found in the example above. Therefore, the perpetuation of traditions and norms for some tribes in Tanzania means subjugating women and girls. Given the diversities and complexities of Tanzanian societies, it shows that there is a continuation of male dominance in the sphere of social life by sustaining patriarchy, whose adverse impacts paralegals have been articulating.

Rape is something many do not believe parents do to their children, as revealed by many of the informants during fieldwork. It was noticed that when conflicts arise between parents, and separation occurs, some men indeed turned against their daughters to satisfy their libido. Such situations were revealed in Iringa, Dar es Salaam, and Manyara. Despite the actions that have been documented by medical experts, legal procedures were often not fair and proceedings were lengthy which jeopardized the chances of the survivors of GBV to be granted justice. The following story exemplifies the situation:

“I separated with my husband in 2008 and kids were under my custody. Later he came so we could reconcile and raise our family as before. I agreed and we continued. We had a care taker who used to look after the kids at home when we were at work. I remember it was August or September, I travelled, when I came back she was not there, I did not know what happened. I asked my husband he said she left. I doubted. Still things were not working as I expected, then I left with a little kid, and my husband remained with our first born, she is a girl. Because she was studying at the nearby school I did not want to disturb her studies. Where I live and work is very far from the previous place. I had a habit of visiting her every Friday and help with some stuff like cooking and washing. It was around 5pm going to 6pm when I said let me take her so we can go to my place because it was weekends, then I often took her to my place. I entered in her room, I saw her crying. I asked her what was wrong; she said baba kaniingiza mdudu wake kwangu. Wapi? huku sehemu za siri (father inserted his penis into my vagina). I decided to call my husband’s sister and I explained everything and my daughter explained the whole situation. We agreed to take her to hospital. They advised me to go to the police first to ask for a Police Form 3 (PF3) as procedure for the abused. The doctor confirmed that she was raped; her vagina was not in normal way for a girl. The difficulties began as time went on, the doctor was not ready to testify against my husband, he was bribed, and he changed the results. The results I had were not the same as he presented to the police, while arguing he asked me if I wanted him

to testify against my husband so he could be imprisoned. I told him that I wanted justice to my daughter irrespective of what existed between us. From there things were not the same. I did not get cooperation from the police and the doctor too. I decided to go to see the top official of the police; he ended up insulting me that I accused my husband as rapist because I needed his money. Some came and advised me that we should end the case because we were parents, no need of imprisoning my husband, but I did not agree to what they said. I kept fighting for my daughter. Things were not easy for me. The police, the doctor as witness, my in-laws, and my family friends stood against me. I decided to tell my uncle about the problem. It is when he advised that I go and see WLAC for a free legal service. I thank God, since I came here we have been working together and I see at least the progress of my case. I expect to get the view of what may happen....” (Beneficiary Dar es Salaam)

Lack of funding and information as we saw in *chapter 7* and a general lack of a good working environment complicate the lives of many GBV survivors. If the mother of the survivor would have known of the presence of paralegals and WLAC, she would have not had such a difficult time fighting for her daughter. Not knowing that there is this free service jeopardized her chances of winning the case. In a bizarre turn of events, the scenario of Dar es Salaam describes well how power and bureaucracies hinder justice. The survivor has engaged in many procedural actions which in other ways jeopardized the environment to make the case fair. Unbalanced power relations and state institution structures dominate the social life sphere of many women and girls. Also the situation above leads us to argue on the context of patriarchy over a young girl where the whole society acts against the interest of the girl. It can be argued that structures entitled to protect human rights and law enforcement, especially women’s rights, do odd things for their interest. From the findings above we agree with Connell (2009, p. 76-77, 141) as argued in *chapter 4* that power is only one form of inequality. It exists in a very diverse way across resources; from income and wealth, to social honour and cultural authority. Those inequalities are constructed to sustain interests of the bearers, and bearers always defend them. Therefore, we can say that there is a need for WLAC to extend operations through publicity strategy because some people are not aware on their presence. Also, it shows that institutions and power imbalances are still dominant over the girl child life.

When it comes to the question of divorce and separation, the customary law of Tanzania seems to be biased and magnified by inequalities, oppression, and anachronism. Many of the

informants showed that when they separate or divorce, the distribution of wealth and property procedures were not fair. The phenomenon was revealed in Mbeya, Kyela, Manyara, and Dar es Salaam. It is common for women leaving their partners with wealth they gathered together in their courtship life. Even if it has been stipulated in the 1977 constitution of the United Republic of Tanzania that all people are equal before the law and should be treated fairly, in the story below from Kyela the constitutional guarantee does not seem to materialize.

“I was married to my husband for almost eight (8) years, we have three kids. Suddenly things started to change; sometimes he could turn at me and say he married me accidentally. It was not his wish because I am stupid. I would reply him with a number of questions: for all these years where you have been to say so? Are you saying because now you have used me, we have kids, we have our own house, and you bought even the motorcycle with my support and today you don’t need me? I told him I was not leaving and if I had to leave we had to spilt-up the property we gathered. The situation was getting worse every day. When he came he threatened to kill me. Always he could come and say he would kill me if I did not leave the house. I was frightened I left and went back to my parents. I did not think of the wealth we gathered anymore. What I thought about was my life and family. I did not know where to go. One day I heard people talking in the radio saying Kyela Paralegal Unit helps people with similar problems like mine. I could not believe if really they could help me for free to get what is mine. I have worked day and night tirelessly and today I leave with nothing? I went to see them and explained to them the whole situation. We went to court to open the case. After a long period of trial the primary court did not do justice to me. When the verdict was out, my husband was declared a winner. Paralegals continued to support me, we appealed to district court, and after hearing the verdict it came out we won the case. The court ordered that the house should be sold and the money collected should be shared equally between us. I am happy these paralegals helped me enough. I wish to stand on the top of the mountain and tell all people of Kyela how happy I am. Women are being oppressed every day and we don’t know where to go, but now we have people who can stand for us. I will become one of the ambassadors to let women and people know about the presence of this centre and how it is very helpful” (Beneficiary Kyela).

The quote above signifies that state institutions like courts, with vested power to deliver justice, turn into masculine tools for exploitation, oppression, and manipulation. Most of these actions are articulated in the everyday practices of women’s lives. The findings above correspond with

a study conducted in Tanzania by Ezer (2006, p. 604-606), which found the law has remained immutable in inheritance matters. The coexistence of customary law and formal law are contradictory, and this leads to poor decisions in court. Magistrates use people's ignorance of the legal system to justify their ends. Dwelling on the idea by Connell (2009, p.140) as discussed (*see chapter 4*), the defence of the patriarchal system has been accomplished by the functioning of patriarchal institutions. With regard to paralegals, they are working on a fact finding mission geared to spell out some of those patriarchal practices in the justice institutions. They stand as a remedy to disempowered women by establishing uncompromising protective procedures and legal aid assistance.

Despite the whole process from training to implementation to have shown significant change in many women lives as discussed in *chapter 7*, in some areas like Manyara and Mbeya the project encountered challenges. Tackling some of the cases became difficult as revealed by informants. From fieldwork experience it was discovered that either the paralegal was not aware of the procedures to follow or a client was late to report the problem. One of my informants told me the following:

"We owned a herd of cattle with my late husband. As family with my children, things were good. What we produced was shared among members of the family. The problem started when my husband died. Children and other members of the family appropriated all cattle and left me with nothing. They took all 145 cattle. They told me I was not supposed to own anything that I had to go home because I am a woman. I reported the case to village government, they did not help me. They stood on the side of my late husband. Those local government leaders were bribed. I didn't have money to bribe them. One woman came to me and advised me to go see the paralegals that would help me. I came to see them and we started to work together. But they told me I was too late to report the case to them and so I could not get the cattle back. I have remained with nothing, even a single cow. If I had, I could live by selling milk. I starve despite the wealth we had as a family" (Kiteto beneficiary)

Strong cultural practices and a complex environment of ignorance combined with unequal gender roles deny women and girls rights. A case from Kiteto depicts a lack of knowledge on the presence of the paralegals attributed to masculine practices from households to institution levels. The findings above are similar to the theoretical underpinnings as argued by Connell (1995, p. 77) that the practices of the bearers of hegemonic masculinity depend on institutional

and cultural practices. The important thing from the concept above to note is that the subordination of women by men depends upon social and cultural dynamics institutionalized within the society. This is to say institutionalization and bureaucratic procedures may influence poor decisions on the weaker side in gendered ways. Gender relations play important roles on who gets and owns what. This is reflected by Connell (1995, p. 76-77) arguing that gender relations are rooted in social structures and power practices with few individuals have influence in decision-making. Referring to the story above, this brings us to the point that gender relations and social practices are culturally and institutionally embedded according to social, economic, cultural, and historical roots. The embodiment of gender relations and power affects decision-making in the lives of women as we saw from the findings, whereas the distribution of wealth and decision is gendered in nature. If a widow would have been a man, power influences and decisions would have been different. The above theoretical concept and findings suggest that integrating paralegal services into women lives, basically is an attempt to tackle such institutional and gendered decisions which subjugate and discriminate women on property ownership. Paralegal institutions notably work to realize gender needs and social dynamics, which define the life of a woman and a girl out of cultural barriers and practices.

8.4. The Beneficiaries Assessment towards Paralegals Benefits

Many in the community are aware of the services provided by paralegals and acknowledge their presence a solution to problems which were before seen as insurmountable. Women and girls believed power and rights belonged only to men and strong people with money. This is to say rights primarily consisted around property rights. Presently, they are for everyone in the community. Many women and some men acknowledge that the services are helpful as one male informant acknowledged during interview:

“I didn’t know about this centre and the services they give to women. But when my sister got problems she came to this place and told me that there is a centre which fights for women and children rights. When she went there, they assigned an advocate for her who was responsible for handling her land conflict case. In fact these canters are helping people. I wish they should continue because if they could not have been there a poor person like my sister where could she get money to hire a lawyer or an advocate. She has no money. Her decision going to see those people has managed to secure an advocate who is working on her case.....”(Male informant Dar es Salaam)

Local government officials, non-governmental organizations (NGOs), and other stakeholders of human rights and women's rights perceive the new profession as right-hand to the state. To some degree, they have performed more than what has been recorded. One of the VEOs acknowledged during the interview that:

"...you know many laws from their enactment to implementation the community is not aware. The paralegals have great role than lawyers or legal officers. Heavy task is upon them. They lobby the society, build awareness, and provide legal assistance, and educate the community. The government is wasting much time while these paralegals could work very efficiently and produce more results. I think the government should recognize them. They are hard working. Remember they give service free of charge on the other hand, the government could be sparing some of the operation costs" (VEO Babati)

What can be discerned from the two quotes above is the fact that paralegals are perceived positively by the community. In a systematic analysis and conceptualization of the whole idea of the paralegal project, there is rationale on its existence. As observed during fieldwork, unaccountability, lack of resources, and lack of capability by the state to provide justice on time, has meant that legal provision is not enforced. Therefore, what paralegals are doing seem to attract attention to the community in the sense that what the state does not cover, the paralegals fill the gaps. Looking at Connell's (2009, p. 76-77) argument as it has been discussed in *chapter 4* that the institutionalization of power relations in bureaucracies may hinder the chances of the weaker ones to get their rights; clearly is reflected on the above findings during interview with informants. The present bureaucracies continue to sustain masculine behaviours of not bringing services to the people. This is to say, the state which is the duty bearer to provide every citizen with rights and justice as the above quote depicts seem not to materialize. Therefore, it is time for the state to acknowledge the role of the paralegals to bring legal services close to its population.

However, some informants I came across during fieldwork hesitated to recommend on the benefits of WLAC and presence of paralegals. This was because some acknowledged that they have never heard on the presence of such service in their community, also it was their first time to hear. It was recounted by one of the interviewee when I asked her why you think people are unaware on the presence of paralegals. The following quote exemplifies:

“...I think it is still a new thing to us, also the places where we live WLAC has not publicised well on their presence. Sometimes we feel like there is no free service in terms of legal assistance. Because there are so many people with problems in their marriages, inheritance, land etc... They do not know where to go. Many of them are unassisted. If they would have known the presence of WLAC or paralegals, it would have not been difficult for them to ask for help.....so what I can say there is a lot to be done” (Dar es Salaam-Beneficiary)

In terms of measuring changes and benefits of WLAC to the community and presence of paralegal services still a lot needs to be done. It was revealed by WLAC officials during interview that it has been difficult for the organization and the services they provide because it is not well known. Some members of the community and survivors when they go there confuse the name of WLAC with other organizations as the quote below reads:

“...in fact we have been in hard situation in terms of publicity.....because a client comes and say I have been told to come here..... (.....)⁹. This is because it is only WLAC which helps women and children, so when they go to other places they are told to come here that is when the mix names. Actually we need to work hard on that because many people still do not know what we do. Also, to prosper we need resources you know....” (WLAC official 4)

Little efforts seem to be invested to publicise the presence of WLAC and paralegal services to the community. Yes, it is something which many beneficiaries recounted to be beneficial, but to some degree there is lack of information to many members of the community. Therefore, the quotes above are describing a real picture the challenges facing the organization to reach many people and offer paralegal services and legal assistance. The primary reason to the challenges comes on the ground that resources are not enough to expand services and branches, also to launch initiatives on how to increase publicity, because many people still do not know.

The majority of women interviewed showed interest in the increasing number of paralegals, whose presence has been of significance in their daily lives. While talking to one of the informants I asked her a question: “How did you come to know these people in your area?” She said to me that:

⁹ The brackets represent the name of the organization which an informant mentioned during interview. It is not mentioned purposeful to avoid conflicts of interest between the two organizations.

“I knew these people through radio and community officers. The primary court denied my right. It stood on the side of my husband on the house we built together when he wanted me to move from there. I thought it was not fair and I went to see them. I am happy now that the verdict is out am the winner; even now I am searching for the auctioneers to sell the house. I wish to stand at the top of the whole Kyela and publicize on the presence of this centre that real it helps women freely” (Kyela beneficiary 2)

From the study conducted by Chopra and Isser (2012, p. 343-344), in the world social norms tend to overshadow legal rights, and those in power may undermine women’s access to justice when cases are brought to court. Formal systems are at risk for politics and power interests, which have compromised the lives of many women. This is furthered by Connell (2009, p. 77) as presented in *chapter 4* arguing that hegemonic patriarchy has impacts on peoples’ bodies as well as their identities with regard to their positions. The case presented above reflects how trusted structures may turn into oppressive tools in providing justice. Women and girls are victimized by power relations and social norms. Therefore, an alternative vehicle for justice is through the use of paralegals. It is an innovative way of understanding both obstacles and possibilities by taking into account the broader social context of GBV and other gendered injustices in Tanzania. Paralegals play very important roles to various communities, especially poorer ones. As a community’s lifeline and vital tool, we have to look at its concern from the beneficiaries’ perspective. For a few reasons I do not want to present the whole concept as merely community oriented, but I would argue that there has been a tremendous change to the beneficiaries. The paralegals are assessed positively with regard to what they are specifically doing.

8.5. The Community Views on the Paralegal Services and their Presence

In concert with the theoretical underpinnings of the paralegal as a new profession, understanding its essence requires a clear description from the community. As an agent of change, its conceptualization is formed on the basis of communities’ perceptions. By highlighting some of the central arguments on the activities of paralegals, we can understand what exact change and role has been played by paralegals. In this, I shall focus on what the community says about the role and presence of this new cadre in the legal system. Talking to informants and participants most of them classified the new approach to GBV and the legal

system as replacing of the malfunctioning state, legal institutions. The focus group discussion (FGD) held in Mbeya during fieldwork revealed that:

“These paralegals are so important to us. You know the service is free. You go there they tell you so many things. We did not know about laws. Local government leaders have been cheating on us, but now we know what is our right and procedures to follow. Previously if you went to report any problem at village level you would be told you have no right, corruption and bribe dominated procedures, if you don’t have money to bribe them you are going to lose” (FGD Participant Mbeya)

Through free legal services paralegals have managed to negotiate power issues and remedy legal conflicts which are discriminative and oppressive to women and girls. The findings profoundly indicate how significant the new institution is. They have maximized awareness of GBV and rights concerning judicial procedures. Through legal aid clinics, lobbying, and training they have established their services in communities which previously opposed their presence as puppets of the government. The quote above from FGD is reflected in the study conducted by Maru (2006) and Banik (2009) which argue that despite little attention drawn to the community, paralegals stand out as the best alternative to people living without legal protection. Therefore, the presence of paralegals and the services provided are valuable to the community.

Some of the informants were sceptical of the very notion of paralegals. Community members perceived the idea by regarding them as agents who work for their own interests. This is due to the fact that many NGOs have been criticized for `having subjective interests.

“When I heard about paralegals I had thought are court councilors. They work for the government. I remember one day when my husband told me about it I had thought they were politicians. I did not know if these people real are working freely or if they are not government representative. How could someone serve you for free while lawyers need money from us! However, I am happy I know what they are doing now” (Kiteto beneficiary)

Barriers hampering the performance of paralegals range from state recognition to public awareness, which some perceive as a job people do for personal interests despite the dramatic changes. Some legal professionals like lawyers and advocates also regard them as intruders and unprofessional workers, unqualified to handle legal matters. Despite the paralegals visible role,

still many people do not realize what constitute their activities in the community. It is yes known to the degree that there are success stories as discussed in this chapter, but some member of the community lack knowledge on who they are and what they do. According to Maru (2006, p. 426, 472-73); Orvis (2003, p. 250-253), and the conference report on “African Regional Workshop for Community-Based Paralegal Programs” (2012), the institution despite doing well in social provisions has not well documented community acceptance.

Furthermore, paralegals have forged strong relationships with communities to a degree not seen before. Since the launch of the programme, many women and girls have been helped, and life has improved among women and girls who were survivors of GBV. Undeniably, paralegals play a very significant role in eradicating gender injustices in different communities. The following informant describes their presence as follows:

“I came to know these people in 2005 when my husband passed away. A person came around told me to go to see the paralegals that is when I knew these people are helpful. Up to now I live in my house due to these people. I have seen changes because I now live with my family in the house they wanted to evict me from” (Mbeya beneficiary)

Awareness of the presence of paralegals has grown such that their roles are highly visible despite working under difficult conditions. The communities appreciate the work they are doing, with actual change being witnessed from the beneficiaries’ perspective. As informants revealed during fieldwork the paralegal approach works in harmony with community demands. The quote above is relatable to a study conducted by Banik (2009, p. 118), which looks at people who are living without legal protection. This lack of rights has led paralegals to focus on local complexities such as land rights, the capacity of the formal judicial system to survive alongside customary law, and the role of the certain collective rights among indigenous peoples. It is further supported by Poulsen (1995, p. 38) arguing that ‘the multitude of clients at legal aid clinics indicates that this is an alternative, which women are ready to use.’ Also, a study conducted in Kenya by Orvis (2003, p. 250) shows that despite the programme being new, it has in various communities managed to tackle and reconcile conflicts, reveal corruptions, and make local government authorities responsible and accountable to their people. However, these examples are not meant to argue that the formal legal system is not an important tool to promote women’s rights and fight GBV. Rather, they challenge the government to see and work on programmes and projects that both acknowledge and protect women’s rights.

Unfortunately, given the effectiveness of paralegals in improving the lives of female survivors of GBV, they are often not accessible to the women who need their services most. Though few of the informants were not aware of the paralegals presence, they typically became aware by word-of-mouth; there is usually no detailed official information as to where paralegals can be found:

“When they told me WLAC is offering free legal service to abused women I thought they were not serious. How could someone serve you for free? I did not have any idea of the existence of particular people. I had to let it go when my husband evicted me from the house we built together. What I can say many people outside there they don’t know if there is such free service” (Dar es Salaam Beneficiary 2).

It was discovered during fieldwork that paralegals are typically found in urban and populated areas, and rarely do they reach rural areas. The cases in which they are found in rural areas are few and far between. Furthermore, only a relatively small number of people know where to find paralegals in the community. Of those people, most were either told by someone who had already benefited from the service or heard about it through seminars and mobile clinics conducted by WLAC and other stakeholders. For that reason, it can be argued that despite the positive role, their presence is not visible to all members of the community as the findings above revealed. There is still a gap in public awareness, recognition, and full integration of paralegals into the community. Therefore, looking at the context of community awareness on the presence of paralegals, it seems there are few initiatives to expand their services and to make them accessible to the majority of society. This is likely due to resource constraints, including the low number of service providers. Extra efforts are needed to widen the service to benefit more members of the community.

As we saw in *chapters 6 and 7*, the community is eager to see the service broader to reach all of its members. Despite some challenges, the project has produced significant impacts on the lives of a majority of women and girls, as well as the community in general. Many of the informants described the project to be important, especially for poorer people. Expressing their views on what should be done to improve service provision and accessibility to the community at large, one of the informants revealed that:

“...for sure the idea of having these paralegals is good. Earlier I did not know who they are, but now they are working in our villages. I wish to see them in the interior of our places (streets) where we live with practitioners of GBV. I am saying this because, many of them are found in towns and areas with big population...we need them here. If you can tell them to increase the number go and tell them, we need them most. They are not enough. (FGD participant Kiteto)

In accordance with the high costs of hiring an advocate, the needs of the community and remoteness of many areas, most people believe the presence of the paralegals to be their best alternative. It is an institution which has attracted attention to poor people, particularly women and girls who do not afford to pay for legal services. Integration of paralegals seems to be a good and positive idea that many people in rural areas would like to see extensively expanded to serve their legal demands in the absence of a just government. Therefore, it is apparent that there is an insufficient number of paralegals to services the needs of ordinary people in Tanzania. More paralegals have to be trained and then recognized to improve service provision in accordance to the needs of survivors of GBV.

Conclusion

The largest part of this chapter has shared and reflected upon the experiences and perceptions of the beneficiaries of paralegal services in Tanzania and how paralegals have demonstrated high skills in tackling institutional and gendered power relations and challenges, which are culturally embedded. From informants' perspective, paralegal programme is positively accepted despite the fact that there are so many challenges; also in some areas the service is not accessible. The findings revealed that there are still many people in the community do not understand the benefits and presence of the paralegal services and WLAC. There is little publicity and service expansion strategies shown to extend wider coverage and be accessible to the majority in the community. The chapter has presented some of the causes of GBV and individual success stories of paralegals in collaboration with WLAC in Tanzania to serve women and girls affected by GBV and other gendered injustices. Moreover, the chapter has looked at suggestions and community views on how to improve the service to benefit more members of the community regardless of their gender.

CHAPTER 9: FINAL REMARKS

9.1. Introduction

Gender-based violence (GBV) in Tanzania is a widespread phenomenon and a grave reality in all levels of women and girls the private and public lives. Many women and girls are suffering under harsh conditions as a result of social, political, economic, and cultural practices as we saw in *chapter 8* which privilege men over women. It should be clear, then, that in its pervasive form GBV and other gendered injustices are not new in Tanzanian society and development discourse. GBV is best understood as an enemy and product of the actions we live with. However, the challenge remains for GBV into which insufficient political power has been invested in the attempts to eradicate the phenomenon. Legal assistance programmes have been introduced seeing that law enforcement have not protected women and girls as they did men. Such programmes came to be known as ‘paralegals.’ This study has explored the role of paralegal services and the actual changes the services have brought to the beneficiaries of their services, and the communities and beneficiaries perceptions on their presence in Tanzania.

9.2. The Interplay and Relationship between NCA and WLAC

Based on research findings, I demonstrated in *chapter 6* that there is good established reciprocity partnership that brought Women’s Legal Aid Centre (WLAC) and Norwegian Church Aid (NCA) together. The primary binding reason which sustain and resulted into their agreement, informants mentioned about WLAC to be a resource partner and NCA donor with constituencies to implement objectives of the knowledge provided by WLAC. Factors such as knowledge capacity and good WLAC organization structure and mission are the ones informants mentioned during fieldwork that have strengthened the union to work together. The findings show that the interrelationship of NCA and WLAC as a donor-partner seems to give a very clear objective-based goal and understanding between the two parties. On the course of fighting GBV and other gendered injustices through training paralegals in a knowledge and resource sharing model both intend to deliver good social services and to make the state accountable to its citizens. Informants from all two organizations as I have presented (*see chapter 6*) showed positive perceptions on their relationship. The whole process from partnership selection to agreement on the implementation of the objectives seems to look okay to NCA as well as the WLAC. However, some differences were pointed out during fieldwork

on the process of implementing their objectives. Even though it seemed clear to both that the differences between them do not affect their objectives because no partner is forcing the other, but they find themselves engaging in the same mission at the end achieve the same goal of fighting GBV by using paralegals. The interplay between these organizations has placed GBV as a phenomenon which is a priority that needs attention, from policy dialogue to implementation of laws. Referring to the governance approach (*see chapter 4*), NCA and the WLAC seem to fit the model and work harmoniously in that way. The findings in *chapter 6* depict what the governance model insists to the states in third world countries about the involvement of non-state actors in service provision, and that is what NCA and the WLAC work for. The NCA plays a double role: one is donor, funding the WLAC's activities and the other is as a third party in the governance approach. In case of the WLAC, it fits the position of non-state actor and as a local-national NGO providing services to women and girls. Also, the WLAC provides knowledge to other service providers working in remote areas through training paralegals, which is one of their central missions.

9.3. The Paralegals, their Roles, Motivation, and Selection Criteria

As per study findings presented in *chapter 7*, informants described factors behind one to become a paralegal and the community influence over their selection and motivation. It was noted during fieldwork as informants recounted in this study that they passed several stages to qualify. The study shows that one to be a paralegal had to attend training organized by WLAC which lasts for five days to two weeks (*see p. 60*). During training participants are taught some basic legal knowledge in relation to common problems observed after assessment needs. The findings depict that the knowledge obtained is what employed many paralegals in the field to provide legal services to GBV survivors. While many of the informants explained the suitability of the content to suffice community demands, some of the informants as we saw in this study findings had different opinions on the insufficient time and content to be bigger with regard to what they are taught and implementing. As independent entities, paralegal units their survival depends on donors support and they work on WLAC and NCA's objective framework. The findings of this study as informants acknowledged, the interplay between WLAC and NCA has direct or indirect impact on their performance. However, from selection to implementation process the paralegal programme seemed to get a lot of obstacles from community, institutional, and resource challenges as we saw in this study findings. It is not a hundred percent smooth

service, because in some places are perceived differently as we saw juridical, institutional and community challenges facing paralegal programme. Although paralegals seem to confirm governance theory to provide better services, we see that from (*as in chapter 7*) institutional practices do not support this theory. The new institution looks useful to the large group of beneficiaries and it does not materialize to the state. State institutions such as the police, courts and local authorities often clash with paralegals, which hampers their efforts to attain a better level of gender equality. At almost every point, then, the governance model and paralegals are in divergence. The theory insists on downsizing the state government to allow in more non-state actors such civil society organizations (CSOs) and non-governmental organizations (NGOs), but there are institutional constraints which inhibit paralegals performance. We have seen the acceptability and assessment of the paralegal services in Tanzania from beneficiaries and they now would like it to be expanded. However, the perception leads us to argue that it is a high time for the Tanzanian government to recognize this new institution for the betterment of the community—especially for women and girls. This is because the involvement of NGOs such as NCA and the WLAC in training and supporting the new institution of paralegals has proven worthy.

9.4. The Paralegal Services and its Impacts to the Beneficiaries (Women and Girls)

Despite the fact that paralegals are facing many challenges in terms of service delivery as we saw in *chapter 7*, to large degree the programme has mentioned to be worth. Many informants recounted about the benefits of the services as the study findings depict in *chapter 8*. Looking at women who benefited from the paralegal services the study findings show that the programme is assessed positively and many people desire to see expands to remote areas where the biggest population found there. Stories presented in *chapter 8* of this study, many women and girls perceive the paralegal programme a panacea to GBV problems with regard to legal assistance. Many of the stories I presented in *chapter 8* show the intensity of the masculinities towards fighting GBV in Tanzania, which the paralegals and women are encountering. The evidence proves that patriarchy discriminates against women and girls in decision-making and the majority live under harsh conditions—not as bodies to be respected. New gender dynamics and patterns subjugate women and girls in different settings, such as with inheritance and self-esteem. State institutional structures favour males in nature, which increases chances of gender imbalances in power and positions. To be a woman or a girl automatically you lose rights

entitled to you as a human being to acquire justice without regard to your gender. Customary law, traditions and norms still occupy large spaces in different regions as we saw cases in Kiteto and Mbeya. Many informants (beneficiaries) acknowledged what they have been experiencing for a long time such gender norms and gender inequities. Widows and a girl child are seen as unsuitable to own property such as land in accordance to cultural norms and traditions. It is this situation which leads us to argue that GBV is an attribute of power, and the power is embedded within patriarchy, which is an institutional structure that subjugates women and girls as shown in the interviews with the beneficiaries of the paralegal services (*see chapter 8*). Therefore, masculinities still dominate the lives of many women and girls and as a result perpetuate GBV and other gender stereotypical profiles in Tanzania. Such settings have brought third parties to attempt to tackle the GBV and such hegemonic masculinities practices. This is where NCA and the WLAC build partnerships to focus on fighting the problem as discussed in *chapter 6* and factors which perpetuate gender discrimination and subjugation.

9.5. Areas for Further Research

Closely looking at the findings of this study raised both theoretical and methodological attempts demanding further research. There has been a general lack of evidence on the Tanzanian legal platform linking paralegals and gender-based violence (GBV) and other gendered injustices. The following areas for further research are recommended.

A first, general point of further research is that it is not very clear where the survivors of GBV and other gendered injustices go after reporting it to paralegals. Further research is required in that area to find out if the paralegal programme is sufficient in its own without shelter provision to the survivors. This is because it is likely not to help them if the client went to report the problem but then goes back to the same place where she or he has been a victim of the situation.

Second, the study has shown little about the failure of paralegals in their service provision, particularly when there is little knowledge of legal and technical language and little time to learn it. This needs further research because if it is a barrier to better service provision then legal knowledge may not be sufficient to help survivors of GBV and other gendered injustices to get better services from the paralegals.

Third, the findings have shown that despite the good work of the paralegals, gender patterns and roles rooted in patriarchy are still rampant and lead to the discrimination of women and girls in

Tanzania. In this regard, extensive investigation is needed to find out the practices which sustain discrimination against women and girls. It is expected that the findings will give a more useful and insightful look into the practices of patriarchy which constrain efforts to fight GBV and other gendered injustices. The obtained information would be used by development analysts, practitioners, policy makers and similar actors to rebrand and rebuild their approaches toward the phenomenon.

Fourth, since the study was aimed at exploring the role and actual changes of the services brought by paralegals and the community's perceptions on their presence, the findings do not show in detail if paralegals joined thinking they would be paid or if it would be a self-motivated dream to volunteer, because maybe it is an opportunity for the future to develop personal interest on the programme. Admittedly, further research is needed to track the selection process of new paralegals and their training because some may be opportunists expecting in the future to win state support and donors and turn it into a business instead of helping the survivors of GBV and other gendered injustices survivors.

9.6. Policy Implications

The findings of this study identified a number of positive impacts of the paralegal programme for women and girls. The paralegal programme has shown accomplishments in many problems and legal disputes regarding women and girls. A study conducted by Rooij van (2012, p. 304) shows that the community based court programme in many countries has increased legal awareness and success in addressing legal problems for marginalized populations. The policy implication of such a situation is that the paralegal programme should be integrated into development programmes by enabling other non-governmental organizations (NGOs) to use paralegals in fighting GBV and other gendered injustices in Tanzania.

Furthermore, the paralegal services have been positively assessed by the beneficiaries and the community at large. Considering a community's perceptions on the paralegals presence, the paralegal services seemed to be perceived positively and needed heavily by poorer populations. The policy implication here is that there is a need to make the programme accessible to all members of the community by looking at the scarcity of lawyers and the obstacles to accessing lawyers. Organizations such as the Women's Legal Aid Centre (WLAC) and the Norwegian

Church Aid (NCA) have to offer even more training to produce yet more paralegals to provide service to more people.

Considering the state to be incapable to provide each citizen an attorney because of resource constrains and policy gaps, the paralegals should be included in the state's legal framework. The policy implication of this is that recognizing and integrating paralegals in the legal system will help the government to deliver legal services in time and to a large number of people at a cheap cost, again, especially to women and girl that are survivors of GBV and other gendered injustices in Tanzania.

9.7. Recommendations and Ways Forward

Training Period and Capacity Building

With regard to the study findings it was realized that the training time is very short and limited compared to the nature of the work and legal technicalities. I would like to recommend the WLAC and NCA to collaborate and extend the time for training from six months to one year to enable trainees to acquire enough skills to handle legal matters. Such time coverage will give confidence to service providers to master their skills and provide better services to clients. There is a great need to establish a continuum on capacity building in relation to the extent of the problems and to change the laws. This is because new gender patterns and practices emerge every day, and the constitution and laws must be amended to suit the given time with regard to nature of the offenses.

Curriculum Setup and Content

Evidence from this study suggests that there is no nationally developed curriculum used for teaching and training paralegals. It was observed that the available curriculum used to prepare service providers was developed by the WLAC. There is therefore a wide variation in the basic knowledge used to train paralegals in Tanzania. An absence of knowledge consistence among organizations may result in a generation of incompetent and unskilled service providers. Therefore, this will likely affect the performance of service providers. It thus is important to have a nationwide curriculum with similar content to produce people with similar skills.

Political and Legal Recognition

From fieldwork experience and the findings of this study it was observed that there is no legal recognition of paralegals in Tanzania. The paralegals' legitimacy works within the framework of the NGOs (WLAC and NCA). There is no constitutional clause and no bill passed to give power to the paralegals work as independent entities as other assistants from other departments such as in the medical platform with paramedics. The paralegals have been a product of the WLAC and the NCA and after a period of time they are supposed to stand as independent units, but they are constrained by the absence of legitimacy of their presence. Therefore, because of few resources and a lack of legal recognition it takes time to establish a strong foundation and acquire legitimacy from the government and community. It is important to give legal recognition which would realize their presence to enable efficiency in service provision and exercise the power of attorney in the court.

Motivation and Payment

The paralegal approach has been perceived as one of the best strategies to bring justice to the poor and especially women and girls by challenging juridical malfunctions. Enhancing legal aid, legal aid clinics and legal awareness would be achieved through providing motivation and payments as a tip to appreciate what paralegals have been doing. Through this study it was realized that the job is done by individuals that volunteer to help other people and sometimes they use their own resources to bring services to survivors of GBV. Most of the informants acknowledged that they face multiple challenges: they have no legitimate recognition and they work without payment or financial motivation. It can be argued that giving some tips to the paralegals may reduce the number of those who quit the job, and it could strongly increase the number of paralegals providing services. However, as a precaution the organization should figure out guidelines which bind paralegals if they get paid, as this will help not to welcome profit-seeking opportunists as has been experienced in other settings.

9.8. Conclusion

Where GBV and other gendered injustices are concerned it is important to understand the epistemological legal platform and social practices which sustain discrimination against women and girls. Paralegal programmes which provide legal assistance to women and girls should be adequately analysed and discussed to understand in detail factors affecting their performance in

a country like Tanzania. Such projects like those of paralegals that focus on women and girls have been facing so many challenges and limitations to accomplish their goals which are heavily dependent on the local context. Working on legal reform and access to justice for women and girls is important to give an insightful look into structural factors which limit efforts to address hegemonic patriarchal practices. Tackling GBV and other gendered injustices through legal assistance and legal aid clinics needs a structural transformation, especially in a country where the legal context is dominated by bureaucratic obstacles which limits the performance and output of the programme.

It is undeniable that the impact of the WLAC and NCA as donor-partner entities has significantly contributed to one of the great milestones ahead of GBV phenomenology. There are many NGOs in Tanzania working on GBV and legal assistance, but the WLAC and NCA have stand out as having an outstanding performance with their relationship as a donor and a partner. Overcoming the GBV phenomenon in a country like Tanzania, we need to see such a mutual and objective-centred relationship. More organizations are encouraged to operate in mutual understanding to define objectives to avoid conflict of interests and misunderstanding in the community.

Therefore, recognizing the merits of the paralegal programme is an effort in fighting GBV and other gendered injustices, and this study suggests that it would be a mistake not to give legal recognition to the paralegals as independent units with power of attorney to represent women and girls before the court as survivors of patriarchy and social structures. They should also be seen as a panacea to marginalized groups because the service is free and most people could not afford the cost to hire services from such advocates otherwise. However, using paralegals should not be seen as a sole approach to improve justice for the survivors of GBV and other gendered injustices. Rather, paralegals should be seen as one tool of many within an integrated community and legal platform to fill the gaps the state has failed to give to its people. Generally, considering the complexity and nature of GBV and other gendered injustices in Tanzania, a more holistic approach is needed to establish efficient strategies to tackle juridical and structural factors affecting the performance of paralegals.

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Appendices

Appendix A: Interview Guides for Informants and Participants; and Focus Group Discussions (FGDs) Topic Guides.

Women's Legal Aid Centre (WLAC)

1. What is WLAC? How do you explain it to a lay person?
 - When did it start?
 - Why did it become an NGO?
 - Was it your own innovation or due to external influences?
 - How members of the former organization received the idea?
 - Did it trigger conflicts among members?
 - If yes how did you resolve it?
2. As WLAC what are your roles?
 - Do you have specific projects or general?
 - If specific what are those, and if general why?
 - How do you know that the programme/project is effective?
 - What mechanisms you use to measure efficiency?
 - If it is not efficient what do you do?
 - Do you think the communities are aware enough on your presence? If not why?
How do you build awareness to them?
3. How does WLAC provide services?
 - Are services provided differently for different problem areas?
 - If not what problems are you dealing with?
 - Among those problems do you value them equally?
 - If not what problems comes first?
 - Which problems do women and girls often report for handling?
 - Why do you think they report such problems?
 - Why they don't report to you the rest of the problems?
 - Where do you think they report the rest of the problems unreported at WLAC?
 - How many cases do you report per month?

4. How long have WLAC been training paralegals?
 - Where did you get the idea to start the programme?
 - Was it a controversial decision, or did all support it immediately? If controversial, why?
 - Which regions were the services offered in first/pilot?
 - Since when do you consider it a nation-wide service? (Is it really?)

5. What curriculum do you use to train paralegals?
 - Who developed the curriculum (WLAC/external consultants)
 - What considerations were made in selecting the curriculum, why these topics above others?
 - Is it your experience that the curriculum fits quite well with the challenges the paralegals meet in the field and the issues the beneficiaries need assistance with?
 - Do you revise it often?
 - How do you organize the training?
 - Do you have statistics/ real number of your paralegals all over the country?
 - If yes do you think they are enough according to your needs?
 - If no what are your future plans?

6. What criteria are used to select the trainees?
 - Is it hard to find willing candidates?
 - What kinds of reasons are typical for those who refuse if any?
 - Are they remunerated for their work? How?
 - Are they allowed to take remuneration from beneficiaries for their services?
 - Why WLAC so interested to train these paralegals?
 - Why don't you use lawyers as other organizations do?

7. What is the interplay between the organization and the local communities you are working with?
 - How do you interact with the local authorities?
 - Are there cases of problems in relation to local authorities?
 - How often do you get support during service provision from local authorities?

- If no why do you think they don't support you? Is there a reason?
 - How do local communities tend to perceive the trained paralegals, do they see them helpful?
 - How about the local women, does their opinion differ from that of the community in general?
 - Have there been changes in community attitudes as the programme has evolved?
7. How do you perceive cooperation with NCA and your organization (WLAC)?
- Why does NCA support your organization (WLAC)?
 - What is the nature of your cooperation? Do they participate actively in the development of the paralegal-programme, or do they leave all that to you?
 - Are there any conditionalities attached to their support that contribute to shaping the programme?
 - Do you have other major donors financing the paralegal-programme, or is NCA the only one? Is this an ok partner situation, or would you prefer it to be different?
 - As donors are they conditioning you to operate on their objectives?
 - Who faced the other to start cooperation?
8. What kind of results do you expect from those trained paralegals and the community at all?
- Do you provide shelter may be to the beneficiaries? How does it work?
 - If not where do they go after reporting to you?
 - Are they responsible taking criminals to court?
 - How often do you visit on their areas?
 - Do you think they have produced enough results since you launched the programme?
 - If not why? What do you do to meet the objectives?
 - Do you think in the future run paralegals will help to end gender related violence?
 - If not why? And if yes how will this be?

Norwegian Church Aid (NCA)

9. What is NCA? How do you explain it to a lay person?
 - When did it start in Tanzania?
 - What are the roles of NCA?
 - What problems are you dealing with? And why those problems?
 - Do your objectives relate with that from Oslo headquarters? If not why?
10. What is so special with WLAC to NCA support them?
 - How do you make follow up on their projects?
 - Do you in anyway have influences on their plans?
 - If not how do they qualify for partnership?
 - What criteria used to establish partnership?
11. How NCA operates on the context of the state which has its own policy on Gender based violence?
 - How do local communities perceive you?
 - Does the community aware of your roles?
 - How do they recognize that this is NCA project?
12. How does WLAC fit you are general policy and objectives?
 - What areas do you cooperate with WLAC?
 - What kind of results or expectation you intend to get from them?
 - What challenges do you face on making it work as one of partners?
13. Are there challenges you are getting from the government?
 - If yes what are those?
 - How do you work in such context?
14. To which extent do you think WLAC with their programme has exposed gender-based violence?
 - Since the launching of the project do you see any change?
 - If yes, in which areas do you think they have done much?
 - If no what areas need more improvement?
15. Do you think in any way to end your partnership with WLAC?
 - If yes why? And if no why?

Women and Girls (Beneficiaries)

16. What do you know about paralegals or WLAC?

- What problems pushed you to approach them?
- What did you feel telling them your problems? Did you feel threatened or embarrassed?
- Why you did not go to the police?
- When you went to see a paralegal or WLAC what were the reactions from your family?
- Did they support your idea or objected it? If they supported it or objected it why?
- How do your community generally perceive you when you reported problems to WLAC or a paralegal?
- What came in your mind the first day you heard them?
- Why did you think of going to see WLAC or paralegals?
- How did you come to know about paralegals or WLAC?
- You had any knowledge about paralegals or WLAC prior seeing them?
- If not who was behind you going to see them?
- Did they charge you money or registration fee when you went to see them?
- When you were told that the service is free what came up in your mind?

17. What are your opinions on the presence of the paralegals or WLAC in your community?

- Do you think they are or helped you with your problems?
- In which ways do you think the paralegals/WLAC helped you with your problems?
- How often are you in contact with them?
- Since you went there to see WLAC/paralegals do you see any change in your life?
- If not what action you took to solve your problems?

18. What can you say to other women/girls of your community with similar problems?

- Do you think they should see paralegals/WLAC?
- If not why they should not see? And if yes in which reasons?
- How was their service accessible to you?
- Do you think WLAC or paralegals responded effectively to your problems? If yes how?

- After reporting your problems to paralegals where did you go?
- If you went home what happened with your partner or family?
- Did you feel like isolated? If so do you know why?

Paralegals

19. Who is a paralegal? How do you explain it to a lay person?

- What are your roles as paralegal?
- Why did you join the training and serve as a paralegal?
- What is your main purpose to become a paralegal?
- For how long have you been serving as paralegal?
- Do you get remuneration for your work?
- If not so how do you provide services?
- May be do you get support from a donor or WLAC?
- Do you think the support you get is enough? If not so how do you work?
- Far from being a paralegal do you have another job to do?
- If yes what is that?
- So how do you balance between these two?

26. What is your relationship with the community?

- How the community perceive you?
- What do you think is the most challenge aspect of your position?
- What is the influence of your family on service provision?
- How do you maintain privacy of the victims?
- How often do people present their problems?
- What people attend most to your services? If women or men why?

20. Did you have any knowledge on legal issues before joining the training?

- If not, how do you handle the problems related to laws of the land?
- Do you think the trainings are enough for you to work as paralegal?
- How did you come to know about WLAC before joining their trainings or being a paralegal?
- Does WLAC plan for you or you have your own service plans?

- How often do you get training?
 - Who plan the training? And where is this training take place?
21. Who approached you to join WLAC and become a paralegal?
- Was it your dream to become a paralegal?
 - What impressed you to become a paralegal?
 - Why did you choose of serving women and girls?
22. What challenges do you get from local authorities?
- Do local authorities recognize your presence?
 - Do they intervene during service provision?
 - If yes so how do you work under such pressure?
23. What areas of focus during training?
- What do they teach you to become a paralegal?
 - Does the curriculum specify areas of concentration?
 - If yes what are those areas?
 - And why does curriculum insist such areas?
24. Do you see any connection between trainings and services you're providing?
- Is there anything misses from the training?
 - If yes what is it?
 - What do you think should be included during training period?
 - Do you think training time you get is enough?
25. What is the connection between you and WLAC?
- How do you work with WLAC?
 - Who plans your duties means WLAC or yourself?

Focus Group Discussions (FGDs) Topic Guides

26. Is there anyone aware of WLAC or paralegals in your community?
- Can you tell me what is WLAC or who is a paralegal?
 - How did you know it?
 - Do you have knowledge on what they do in your community?
 - If no so when you see them what do you think they are doing?

27. When you heard it for the first time the term WLAC or paralegals what came up in your mind?
- Have there been changes since they came in your community?
 - How they were introduced in your community?
 - For how long have they been in your areas?
28. Are there benefits you get on their presence in you are community?
- If yes how do you benefit from them?
 - How do you cooperate with them?
29. On what ways do you think the paralegals help you with your problems?
- Do they organize meetings may be?
 - If not how do you get updates on their services?
30. Does paralegal service sufficient in your community?
- How do you get access to them?
 - Do they have offices?
 - If not where do you go to see them?
31. Their presence do you think contradicts with cultural taboos?
- If yes what are those cultural values and norms?

Local Government Officials

32. Do you have any idea on the presence of the paralegals in your community?
- If yes what do you think their doing?
 - When you heard them for the first time?
33. Is there any difference between the modern legal officers and the traditional ones?
- If yes on what basis? Can you explain to me?
34. Who are more effective between modern legal officers and local officers?
35. What do you recommend on their presence?
36. How do you interact or cooperate with them? Is there any direct relationship with them?

Appendix B: Informed Consent/English Version

My name is Henry Michael Kigodi, and I am a graduate student at the University of Bergen, Norway in the Department of International Health Promotion-Gender and Development Programme. You are kindly invited to participate in this study concerning the role of paralegals and the fight against gender-based violence (GBV) and other gendered injustices in Tanzania. My research aims to find different perspectives from community, beneficiaries, stakeholders, and service providers on the actual changes brought by paralegals and their presence in the community.

You are decision to involve in this project, you will be asked to participate in any of the semi-structured-interviews or focus group discussions (FDGs). The interviews may take 1 to 1.30 hours, and FDGs may last 45 to 80 minutes. The information of this study will be used for academic pursuits and/or presentations at development meetings.

Your privacy will be protected all times. No names will be used and any identifying information will removed. Although, interviews and FDGs will be voice recorded and notes will be taken. However, you are free to withdraw from any of the activities mentioned above any time and refrain from answering questions which you don't feel. And you are material will be destroyed to maintain you are privacy.

Thank you in advance!

Appendix B1: Informed Consent/ Swahili Version

Jina langu naitwa Henry Michael Kigodi mwanafunzi wa shahada ya Uzamili kutoka Chuo Kikuu cha Bergen, Norway katika Idara ya Ukuzaji wa Afya ya Kimataifa kitengo cha Jinsia na Maendeleo. Ndugu unaombwa kuhusika katika utafiti huu unaohusu kazi ya Wasaidizi wa Kisheria katika kupiga vita sababu zinazochangia Unyanyasaji wa Kijinsia na matatizo mengine yoyote yahususho Jinsia Tanzania. Lengo la utafiti huu ni katika kujua mtazamo wa jamii, wanaufaika, wadau wa jinsia, na watoa huduma, kuhusu uwepo wa hawa Wasaidizi wa Kisheria na mabadiliko yaliyojitokeza kutokana na kazi zao.

Uamuzi wako wa kuhusika katika Utafiti huu, utahusika katika mahojiano ya mtu mmoja mmoja yatakayoduma kwa muda wa saa 1 hadi saa 1 na nusu au mazungumzo ya vikundi yatakayodumu kwa muda wa dakika 45 mpaka 80. Lengo la utafiti huu ni kwaajili ya matumizi ya Kitaaluma au mijadala ya kimaendeleo.

Usiri wa taarifa utakazotoa utazingatiwa sana muda wote wa utafiti. Majina sahihi hayatumika katika uchambuzi au uhakiki au taarifa zozote zitakazoweza kukubainisha zitaondolewa. Ingawa, mahojiano baina yetu au majadiliano ya vikundi yatarekodiwa katika vinaso sauti na maelezo yatachukuliwa katika maandishi pia. Hata hivyo, uko huru kujitoa kwenye utafiti huu au kutojibu maswali ambayo hutapenda kuyajibu pia sauti yako itarekodiwa kwa ridhaa yako tu. Taarifa utakazotoa zikishatumika zitaharibiwa kulinda usiri wako pia hata kama utajitua mapema.

Nashukuru kwa Ushiriki wako!