

Background to primary justice in malawi

[Law](#), [Justice](#)



BACKGROUND TO PRIMARY JUSTICE PILOT PROJECT In May 1999, the Malawi Government and DFID/MaSSAJ (Malawi Safety Security and Access to Justice) commissioned an external consultancy agency to conduct a study on Primary Justice in Rural Malawi, to investigate issues that are related to the protection, safety and access to justice by the poorest and most vulnerable groups in rural areas in Malawi. The research report revealed that between 80 to 90% of the population in Malawi access justice in the informal sector.

However, it was again realized that the informal sector had several gaps which called for an intervention. Primary Justice Pilot Project was carried out from 2003- 2007 aiming to address the identified gaps. The project examined the various roles of marriage counselors, village head persons, Chiefs, religious and party leaders and government officials in dispute resolution. These service providers were found to be points of reference in matters relating to land, theft of farm produce, livestock, and household goods, witchcraft, matrimonial cases, inheritance issues and chieftainship, just to mention a few.

The research revealed that there is urgent need to consolidate and develop locally credible and widely accessible systems of safety, security and justice that would operate within a human rights framework. The pilot project aimed to address a number of issues; 1. Capacity building of primary justice service providers 2. Enhancing record keeping and documentation of cases 3. Enhancing networking and linkages- referral mechanisms; between the formal and the informal 4. Public awareness 5. Dispute resolution

To be able to achieve this, 14 District Implementing Agencies were identified and were referred to as “ Entry Points” for the pilot Districts. Basically the <https://assignbuster.com/background-to-primary-justice-in-malawi/>

role of the Entry Points was to receive funds from the Managing Agency, CCJP Lilongwe, and use it to facilitate various activities which would aim to achieve the above five project objectives. Initially, GTZ was the Managing Agency and CCJP Lilongwe took over from November 2006 to March 2007, where the pilot project phased out. Currently, CCJP Lilongwe and DFID is finalizing the concept of Primary Justice Malawi, covering all the 28 Districts.