



## Legal assistance in times of Covid-19 in the city of Maputo

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### SUMMARY

Access to justice in Mozambique is a fundamental right enshrined in the Constitution. It is exercised through two institutions whose purpose is to provide legal assistance to citizens. The Government created a public institution called the Institute of Legal Assistance and Patrocínio (IPAJ), whose objective is to provide legal assistance to people in need.

In 2020 and 2021, Mozambique was affected by a pandemic called COVID-19. This compromised the functioning of the organization and forced it to adapt to the characteristics of the pandemic. And not only that, some employees of some private companies had their employment contracts terminated for just cause by their employers.

**Keywords:** Legal assistance; COVID 19; workers.

### ABSTRACT

Access to justice in Mozambique is a fundamental right enshrined in the Constitution. Which is exercised through two institutions whose purpose is to provide legal assistance to citizens. The Government created a public institution, whose purpose is to provide legal assistance to people in need, this body is called the Institute of Legal Assistance and Sponsorship (IPAJ). In 2020 and 2021, Mozambique was hit by a pandemic called COVID19. This compromised the functioning of the aforementioned body and made it necessary to readapt according to the characteristics of the aforementioned pandemic. And not only that, certain workers from some private companies had their employment contracts terminated for just cause by the Employer.

**Keywords:** Legal assistance; Covid-19; workers.

### ABSTRACT

Access to justice in Mozambique is a fundamental right enshrined in the Constitution. It is carried out through two institutions that have the purpose of providing legal assistance to the citizenry. The government created a public institution called Instituto de Asistencia Legal y Patrocinio (IPAJ), whose objective is to provide legal assistance to people in need. In 2020 and 2021, Mozambique was affected by a pandemic called COVID-19. This compromised the functioning of the organization in terms of constraints and was forced to adapt to the characteristics of the pandemic. And in this case, some workers from some private companies had their employment contracts terminated for just cause due to

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their employers.

**Keywords:** Legal assistance; COVID-19; workers.

## INTRODUCTION

The Delegation of the Institute of Legal Assistance and Sponsorship (IPAJ), in short designated by IPAJ, of the City of Maputo, is a State institution, governed by the Diploma Ministerial No. 156/2013, of 27 September, which aims to guarantee, at provincial and district level, the implementation of the right to defense, constitutionally enshrined, providing economically disadvantaged citizens the legal representation and assistance they need.

The topic addressed in this scientific article is the result of a presentation as a Speaker of the VII Advisory Board of the Institute of Sponsorship and Legal Assistance (IPAJ) – Delegation of the City of Maputo, held on June 9, 2021.

This study aims to analyze the lessons and challenges in the area of legal aid brought by Covid-19 to the IPAJ Maputo City Delegation between April 2020 and March of 2021.

The IPAJ of Maputo City is represented in 7 district delegations. Namely:

Delegations from the municipalities of KaMpfumo, KaLhamanculo, KaMaxakeni, KaMavota, KaMubukwane, Katembe and Ka – Inhaca.

The SARS-COV2 virus is a novel coronavirus identified as the cause of the disease COVID-19, which started in Wuhan, China, in late 2019 and spread throughout the world (Tesini: 2020, p. 1).

On 30 January 2020, the Director-General of the World Health Organization (WHO) called for the Emergency Committee to establish a public health emergency of concern International.

And on March 11, 2020, the World Health Organization determined that it should be characterized like a pandemic.

On March 30, 2020, Presidential Decree 11/2020 declared a state of emergency in the whole country due to the public calamity.

The basic principle on which human rights are based is the recognition and respect for dignity of the human being, which consists in taking into account the integral conformation of his nature (Leyva: 2016, p. 100). Legal consequences of Covid19.

Access to justice in Mozambique is guaranteed by the State, through the Patrocínio Institute and Legal Assistance (IPAJ).

The Institute of Legal Assistance and Sponsorship (IPAJ) is essential for the consolidation of the State of democratic law and is responsible for guaranteeing access to justice and the rights of needy citizens. This important gap is regulated at the level of the Constitution of Republic of 2004 and was assigned to IPAJ through Law No. 6/94, of September 13, which qualifies the IPAJ as an institution whose function is to “guarantee the realization of the right to constitutionally enshrined defense, providing the economically unprotected city with the legal representation and legal assistance that it needs”. Thus, the guarantee of knowledge the rights of needy citizens, as well as the defense of these rights and the purpose of existence of IPAJ. Seeking the need for institutional self-confidence, IPAJ made efforts to ensure the best possible performance.

The autonomy of IPAJ is inserted in a context that is not inevitable in the development of the Apparatus State-owned companies aiming to protect the rights of municipalities, which are not rarely found in opposition to the interests of the State itself. In this sense, the diagnosis of the areas to intervene, namely through legislative reform and the increase in its organization, can guarantee a more functional and efficient IPAJ in fulfilling its mandate.

Violence against children is a widespread problem in the city of Maputo. According to the 2022 Demographic and Health Survey (DHS), in the last decade, about 27% of girls between the ages of 15 and 19 were forced to have sexual relations or any other sexual act forced, which means that girls are three times more likely to experience violence sexual than the boys themselves. age: 9% of girls and 3% of boys between 15 and 19 years old suffers sexual violence.

### **In the Work Sector**

The sector in question was characterized by a high number of layoffs due to the crisis in private companies in the city of Maputo, as a result of the lack of production in companies and a greater number of unemployed workers due to the crisis caused by Covid-19.

However, workers received very little compensation: 100%, 50% and 25% of your salary in the first, second and third months, respectively, after dismissal.

## LITERATURE REVIEW

This chapter is based on a literature review, bringing basic concepts relevant to the topic under study, not only from a doctrinal perspective, but also from a normative vision in force in our legal system.

## Implementation of the Legal Assistance and Legal Support System

### General Considerations

The current legal and judicial assistance system fits into the historical context of judicial organization of the country, molded according to constitutional and legislative vicissitudes over 45 years of national independence. Although, in this process marked by political, economic, social and ideological “ruptures and continuities”, a line prevailed of cutting with the system of “exploitation of man by man”, in the legal domain it was chosen through a path of continuity clearly expressed in the maintenance of the applied normative order by the justice bodies (Santos and Trindade, 2003). Despite the prevalence of a solution continuity in the legal system, the institutional format and the attributions of the bodies of the Justice Administration System, particularly the IPAJ, took on new features in coherence with the new ideals of serving the citizen and the majority.

This entire historical evolution of the construction of the judicial system and the Rule of Law took place with the conviction that the effective guarantee of individual and collective rights presupposed that a public legal aid system would be available free of charge to citizens deprived of economic conditions and, to that extent, ensuring a Social State egalitarian and fair.

Understanding the implementation of IPAJ implies realizing that the institutionalization of public legal assistance system had two phases coinciding with the creation and reform institutional in the context of constitutional amendments and changes:

1st Phase: creation of the public legal assistance system; and,

2nd Phase: constitutionalization of the right of access to justice.

### The Creation of the Legal Aid System

After the Declaration of National Independence on June 25, 1975, the Council of Ministers of Mozambique, albeit in a context of adopting provisional measures to solve the problems of the judicial system, decided to prohibit the liberal exercise of advocacy, considered foreign to "a justice system at the service of the broad masses of the people Mozambican" (Mozambique 1975: Preamble to Law 4/75). This radical and profound option in a perspective of a modern judicial model, incapable of conceiving a justice system inserted in the framework of a Democratic and Lawful State without lawyers, it must be understood considering two elements:

• The colonial judicial system refused access to the so-called "indigenous" (blacks) and privileged the "citizens" (white, mixed, Indian and assimilated). In other words, the judicial machine was a racial dualism that should be eliminated by the new ideology brought with the revolution; and

• Inseparable from discrimination, the judicial system was elitist and private law was expensive and for a minority. This situation was naturally in conflict with the new socializing narrative, in which the achievements of the people should be enjoyed by all without discrimination. However, there was a need to guarantee protection of "justice for the masses", hence the creation of a Service National Legal Consultation and Assistance Agency (SNCAJ)<sup>2</sup>, which materialized the institutionalization of a public legal aid system.

The SNCAJ would be dependent on the Attorney General's Office (PGR), since any other option would imply the recognition of institutional autonomy<sup>3</sup>, which would be doubly paradoxical: On the one hand, by contending with the centralized and unitary model that characterized the State in force in the 1st Republic and, on the other hand, because it would be the material recognition of private law, which was repudiated. Even though it was created in this way, the SNCAJ's actions were virtual, since the matter relating to organization and functioning was never regulated. Not even within the scope of the Judicial Organization Law<sup>4</sup>, the reference to defense public was scarce, limited to the general provision of the principles of the right to access to justice for defense of their rights and the guarantee of defense to defendants in criminal proceedings<sup>5</sup>.

The fact is that the SNCAJ and its role in ensuring the defense of citizens was, literally, ignored, which could also be justified because the body to which he was attached, Attorney General's Office, was only created and institutionalized in 1989. In this context

<sup>2</sup> Decree-Law No. 4/75, of 16 August (Mozambique 1975).

<sup>3</sup> It was not even recognized by the courts, which were under the supervision of the Ministry of Justice.

<sup>4</sup> Approved by Law No. 12/78, of 2 December (Mozambique 1978).

<sup>5</sup> Articles 3 and 4 of the Judicial Organization Act of 1978.

<sup>6</sup> Through Law No. 6/89, of September 19 (Mozambique 1989).

ineffectiveness of the assistance provision model, the parties themselves practiced the procedural acts of interest to them, without requiring the appointment of legal representatives. Given this circumstantial institutional stagnation in which the SNCAJ found itself, it is, in 1986, it was extinguished and the National Institute of Legal Assistance was created in its place (INAJ)<sup>7</sup>, with the mandate to organize, control and guide the exercise of legal assistance and observe the application of deontological rules.

Endowed with institutional and functional autonomy, free from dependence on the PGR, the INAJ “marked the development of the public assistance system<sup>8</sup>, and is responsible for exercising the mandate judicial or public consultation function, provided by three distinct categories of defenders: lawyers with a degree in Law, legal technicians with a bachelor’s degree in Law and legal assistants, with specific training” (OAM, 2013). Consultation and judicial representation made by INAJ were paid for, according to previously fixed prices, and even defenders to set up offices to provide paid consultancy services and legal assistance.

This possibility of onerous provision, to a certain extent, distorted the essence of a public legal assistance service that was intended, although sponsorship was also foreseen free for citizens lacking financial means. The new challenges arising from changes in the political-economic system, marked by the rupture of the economic model based on state ownership and planning for a market economy publicly regulated and socially committed, had impacts in the field of litigation which imposed a judicial system that was up to the task. The path forward was based on the recognition constitutional right to access to justice as a fundamental right, inaugurating the second phase in the implementation plan of the public legal assistance system.

### **Constitutionalization of the Right of Access to Justice and the Creation of the National Institute of Legal Assistance**

The constitutionalization of free access of citizens to the courts of the right to defense and right to legal assistance and representation and the extinction of the INAJ led to the creation of the IPAJ<sup>9</sup>, subordinate to the Ministry that oversees Justice, with a mandate to guarantee the materialization of the right of defense and to provide free legal and judicial assistance to

<sup>7</sup> Through Law No. 3/86 of 16 April (Mozambique 1986b).

<sup>8</sup> This reform had immediate and significant repercussions on civil justice between 1987 and 1997 (Santos, Marques and Pedroso, 2003).

<sup>9</sup> Through Law No. 6/94, of September 13th.

most disadvantaged citizen. With IPAJ, the assistance system is fully consolidated public legal, with the function of coordinating all legal representation and legal assistance provided by its members. Unlike what happened with the INAJ, they only make up the category of public defenders.

### **Free Access to Legal Assistance and Legal Sponsorship**

The central and defining characteristic of the IPAJ is the legal representation and assistance provided to needy citizens free of charge<sup>10</sup>, in accordance with its institutional role of ensuring the materialization of the constitutional right to defense<sup>11</sup>. However, the IPAJ faces difficult budgetary obstacles and the geographical distribution of its clientele<sup>12</sup>.

### **The International and Regional Dimension of the Right to Legal Assistance and Sponsorship Judiciary**

The right of access to justice, especially legal and judicial assistance, is intrinsically linked to the dignity of every human being. Therefore, its recognition through instruments international human rights treaties, especially conventions and treaties — are validly ratified, whether soft law — radiate and serve as an ethical foundation to support the legal systems. Therefore, the principles underlying the right of access to justice, especially to legal and judicial assistance, are based on the main instruments of rights humans. For example, Article 8 of the Universal Declaration of Human Rights (UDHR) states that “everyone has the right to a remedy by the competent national courts effective for acts that violate the fundamental rights recognized by the constitution or by law” (United Nations, 1948). the preamble and article 7 of the declaration presuppose more than simple access to the courts.

By emanation of the principle of equality underlying the declaration, the right of access to justice must be conceived from a perspective that enables real equality at the procedural level.

“Equality between people can also be achieved in judicial life, that is, through process as a tool that enables ... the population socially and economically

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<sup>10</sup> See art. 25, no. 1 of the statute.

<sup>11</sup> See art. 2 of the statute.

<sup>12</sup> *Infra* III.

excluded” have access to jurisdiction “to protect their rights through the assessment of the judicial system to its] process” (Santini, 2017).

From the irradiation of the principle of equality in the right of access to justice arises the right to legal and judicial assistance, from the perspective that people must be in a position to effective equality, and in this way those who do not have the financial means can benefit from free legal assistance provided by the State. Therefore, the statement universal draws the attention of States, including the Mozambican State, to the need to create conditions to reduce asymmetries, making the jurisdictional system accessible and equal to all the people and the results arising from this entry into the justice system fair to both litigating parties. Given its sacredness, the right of access to justice, in the dimension of the right to legal and judicial assistance, can also be found in the International Covenant on Human Rights Civil and Political Rights (ICCPR), which, because it is strongly influenced by the UDHR, states in paragraph a) of No. 3 that “all persons whose rights or freedoms are recognized in the present Covenant have been violated shall have effective means of redress”. As is the case with the UDHR, the right of access to justice is enshrined here, in the dimension of access to the courts. The pact subjects the Signatory States “to respect and guarantee to all individuals who are within their territory and are subject to their jurisdiction, the rights recognized in the present Covenant, without distinction of any race, color, sex, language, religion, political opinion or other nature, national or social origin, economic position, birth or any other social condition”.

The ICCPR calls on the Signatory States to promote the equality of citizens in the enjoyment of rights. Thus, equality, which is a fundamental value, will have implications in all areas of everyday life, especially in the jurisdictional field.

One of the implications of the principle of equality in the right of access to justice is set out in the art.14 which states that, “all people are equal before the courts”. This rule comes transport the equality enshrined and announced as a banner at the convention, to the field procedural, calling on States to promote equality of the parties in the process. The procedural equality, the primary obligation to protect which falls on the State, implies the creation of minimum guarantees so that procedural participants feel in a situation of effective parity.

As for effective parity, the ICCPR (in art. 14) obliges the Signatory States to grant the possibility of the party “having the assistance of a defender of his choice; if he does not have a defender

to be informed of her right to have one and, whenever the interests of justice so require, to be assigned an official defender, free of charge, in the event of not having the means to pay him”.

Article 7 of the African Charter on Human and Peoples' Rights (ACHPR) also recognizes the right of citizens to justice and states that “everyone has the right to have his cause heard appreciated”. Similar to what happens with other instruments of international law, the charter being based on the principle of equality, it obliges the States Parties, where it is inserted Mozambique, creating conditions to reduce asymmetries in the jurisdictional sphere, providing to the less favored citizens equal possibilities of having justice. From this same instrument, the obligation of the Mozambican State to create conditions to reduce asymmetries in legal-procedural dimension, and should create conditions for free assistance to citizens vulnerable.

#### **The Constitutional Dimension of Legal Assistance and Legal Support**

In a Democratic State of Law, legal and judicial assistance as a service public service provision, is closely linked to the subject of fundamental rights, especially the right of access to justice. Fundamental rights are an essential feature for judging a State as a democratic state of law. “Regardless of the densifications that the principle of the rule of law is found “expressly or implicitly” in the text constitutional, the material assumptions underlying this principle” are “legality, constitutionality and fundamental rights.” Furthermore, the existence of “a system of fundamental rights is a constitutionally structuring anthropological basis of the State of Law” (Canotilho and Gomes, 2003: 357).

In this regard, since the Mozambican State is a Democratic State of Law, the legislator constituent establishes that “the Republic of Mozambique is a State of Law based on pluralism of expression, in democratic political organization and in respect for and guarantee of fundamental human rights”<sup>13</sup>. As a corollary of the pro-fundamental rights stance, the constituent legislator dedicated Title III (Fundamental Rights, Duties and Freedoms) which deals with the theme of fundamental rights, duties and freedoms, which includes a list of rights, including access to justice.

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<sup>13</sup> See art. 3 of the CRM.

The State enshrines the rights of citizens in the most diverse laws. However, the provision of such rights is not enough. The important thing is to have the legal mechanisms to control or punish people whose conduct causes or may cause injury to citizens. Therefore, for the protection legal basis for the rights of citizens, the courts emerge. Furthermore, it is crucial that the legislator grant rights holders the possibility of accessing such protection mechanisms, especially in the courts.

That is why, in several clauses, the Constitution of the Republic of Mozambique explicitly enshrines the right of access to justice and to mechanisms for the defense of rights<sup>14</sup>. Added to the constitutional support and content of the right of access to justice, especially assistance legal and judicial, the relevance of the principle of access to justice is manifested by its recognition in the most important human rights instruments — the Declaration Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the CADHP — with full effectiveness in the Mozambican legal system.

The content and scope of the right of access to justice is not emptied or limited by the possibility or the citizen's prerogative to resort to the courts. In addition to assuming the opening of the courts to receive petitions or any complaints, the right of access presupposes that that users of the justice service be granted the possibility of benefiting from assistance legal and judicial by legal professionals, who defend their rights and interests legally protected. With the constitutional enshrinement of “free access... to the courts and the right to defense and legal assistance and representation”, the creation of the Portuguese Bar Association and the consequent extinction of INAJ were at the origin of the emergence of IPAJ (Assembly of Republic, 2010: 11).

Therefore, the right of access to justice presupposes that people are granted the possibility access mechanisms to react to situations that may violate their rights. But, more than that, following imperatives of equality and social justice means that they are created conditions so that everyone (needy or not) can, under equal circumstances, obtain the much-needed desired justice.

To materialize the emanation of this right, the State has the constitutional duty to create conditions and institutions that can reduce social asymmetries and place those who call for justice on an equal footing with those who have the financial resources to bear the costs

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<sup>14</sup> See art. 62 under the heading “Access to the Courts”, which requires the State to guarantee “citizens’ access to the courts” and, in art. 70, recognizes the citizen’s right to appeal to the courts...”.

inherent to a judicial process and hire a private legal assistance service. It is in this as the fundamental guarantee of access to the courts translates into a manifestation material of the principle of the Democratic Rule of Law expressed in its obligation to develop actions and provide means to prevent the lack of justice due to shortages of economic resources. This constitutional obligation is essential in a country whose rate of development is among the ten lowest (UNDP, 2019). Although there is a reduction in levels of poverty, levels of economic inequality have been increasing, as the growth becomes less and less inclusive.

In this socioeconomic context in which a large part of the Mozambican population lives in poverty line and where there is a lack of financial resources to meet basic needs survival, citizens in this situation cannot bear the legal burdens inherent in a judicial process. With such asymmetry, it is urgent that the State, with concrete actions, issues the message that the judiciary is not a privileged space for individuals and social groups who have financial resources to hire lawyers and mobilize the law.

Instead of fostering such situations of privilege, the State must ensure that social inequalities do not have an impact on the legal sphere. It is in this area of ensuring access to justice for all rights holders that it is established that “everyone’s right to access the Law is guaranteed and to the courts for the defense of their legally protected rights and interests, not being able to justice is denied due to insufficient economic means”.<sup>15</sup>

Ensuring access to justice implies that the State ensures access to justice for everyone, especially the most vulnerable people. deprived the possibility of having public legal and judicial assistance whose characteristic essential is free of charge. Therefore, the Mozambican State, as the first promoter of fundamental rights, especially the right of access to justice, should create institutions whose vocation is to provide legal and judicial assistance accessible to all, quickly, efficiently and quality to fully guarantee the expectations of people who flock to its services.

For this purpose, the IPAJ was created. The institute's sole purpose is to implement the right of access to justice, making it possible through its activity, that the citizen who, due to insufficient financial resources, never be treated materially unequally in the process.

The service activity that the institute, as a defender of the needy, must carry out is more than a mere legal imposition because it arises from the natural imperatives of justice and

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<sup>15</sup> See art. 62 CRM.

equality that should guide a Democratic State of Law like Mozambique. Despite although the terms legal assistance and legal representation seem indistinct, they retain material differences. Legal assistance has a broader dimension, since “it is broad and free and involves not only legal assistance, but also consultancy and legal guidance”. Legal sponsorship essentially refers to the idea of dispensing with procedural and extra-procedural expenses, provided that the latter are necessary for the progress of the process and includes the free service of representation in court, of the party that requires assistance (Bennert, 2018).

## **METHODOLOGICAL PROCEDURES**

In this chapter, the methodology is described, which was formed by a sequence of procedures used to prepare this research. The type of research, the sample, the research location, data collection instruments, ethical aspects, as well as the statistical procedures for analyzing the collected data.

### **Methodology**

Methodology is a process that involves the use of methods, techniques and instruments that allow the verification of scientific research, that is, it consists of establishing the method which enabled the development of new scientific knowledge in relation to research to present.

According to Lakatos (2001, p. 12), methodology is the path to follow to achieve truth. Therefore, for the implementation and elaboration of this work, it was based on the bibliographic research, which consisted of consulting books, the internet and other secondary sources important to the topic.

### **Approach Methods**

To materialize this research, an approach of a nature was used descriptive, qualitative.



Marconi and Lakatos (1996, p. 19) state that descriptive research addresses four aspects: description, recording, analysis and interpretation of current and qualitative phenomena.

According to Bogdan and Biklen (2003) cited by Oliveira (2011, P. 25), qualitative research consists of obtaining descriptive data, obtained through direct contact between the researcher and the situation studied.

This type of research aims to analyze the facts through direct contact with object under study and, for this reason, it has been applied with great success in research.

### **Procedure Methods**

The research carries out analysis from the point of view with a bibliographical character, Cervo and Bervian (2002, p. 65), define: bibliographic research seeks to explain a problem based on theoretical references published in documents. It can be carried out independently or as part of descriptive or experimental research. It seeks to understand and analyze the contributions cultural or scientific information from the past on a particular subject, theme or problem.

The research tools that will be used in this work to achieve the objectives mentioned are:

Explanatory or exploratory research (Bibliographical and Documentary);

Qualitative and Quantitative Research;

Interview Sample.

### **Type of study**

As for the nature, the research was qualitative. According to Bogdan & Biklen (2003) cited by Oliveira (2011, P. 25), qualitative research consists of obtaining descriptive data, obtained in the researcher's direct contact with the situation studied, it emphasizes the process more than the product and is concerned with portraying the perspective of the participants.

Regarding the objective, the research was exploratory. Gil (2008, P. 10), states that he considers that exploratory research has as its main objective to develop, clarify and modify concepts and ideas, with a view to formulating more precise problems or hypotheses searchable for further studies. This type of research presents less rigidity in planning, as they are planned with the aim of providing an overview, of a type approximate, about a certain fact.

Therefore, this study carried out Exploratory and Qualitative research.

### **Qualitative and Quantitative Method**

The qualitative method consists of “describing the complexity of a problem, analyzing the interaction of certain variables, understand and classify dynamic processes experienced by social groups, contribute to the process of change of a given group and enable, in greater level of depth, the understanding of the particularities of the behavior of individuals” (Richardson, 1999, p. 80).

The use of the qualitative approach is justified by its humanistic foundation, which is important in understanding a certain social reality and, above all, due to its affinity with the changing nature of the social world (Filstead, 1986). The qualitative approach has the merit of offer the possibility of describing and explaining in detail the problem of access justice for children who are victims of domestic violence, taking into account social contexts.

The quantitative method “is characterized by the use of quantification in both the modalities of collection of information, as well as in the processing of them through statistical techniques, from the simplest such as percentage, average, standard deviation, to more complex such as coefficient of correlation, regression analysis (Richardson, 1999, p. 70).

The quantitative approach is justified by the fact that it constitutes a way of expressing the magnitude of social realities based on perceptions represented numerically and/or graphic. In this way, the quantitative approach becomes relevant to give rigor to the description and explanation of the contours of the complex in question.

### **Data collection instrument and procedures**

As this is a qualitative research and based on the nature of the problem and the objectives of the study, a semi-structured interview and closed questionnaire will be used. According to Gil (2008), the semi-structured interview allows the interviewee to answer the questions openly and can be answered within an informal conversation, supported in the bibliographic review, objectives and hypotheses.



In addition to sociodemographic data (age, education, gender, profession, etc.), the script interview consisted of five initial questions, which were designed based on the specific objectives of the study. Interviews were scheduled based on availability of the participants and will be individual, carried out by the researcher in the Service Office to the Family and Minors Victims of Domestic Violence. During the interview the questions were developed based on the need to deepen participants' responses.

### **Data analysis**

The data collected from the interview were analyzed based on the data analysis technique content. Gil (2008) states that content analysis develops in three phases:

- a) Pre-analysis;
- b) Exploration of the material and;
- c) Data processing, inference and interpretation.

### **Population and Sample**

According to Lakatos & Marconi (2001, p.237), the research population is the totality of individuals who have the same characteristics defined for a given study.

In line with the thinking of the authors cited above, the study population was made up of some public servants assigned to the Family Assistance Office and Minor Victims of Domestic Violence. In which approximately 10 employees, 5 belonging to IPAJ and 5 to GAFVVD. And, about 20 children and 8 parents, who were benefiting from assistance from IPAJ.

### **Sampling Process**

According to Lakatos & Marconi (2001, p.238) sample is a smaller set of elements extracted from a population of individuals, that is, the subset of elements

belonging to a population. The sample differs from the population only in the number of elements.

According to Martins & Theóphilo (2009, p.195), there is no deliberate choice of the elements of the sample and it is not possible to generalize the results obtained to the population. The sample does not probabilistic is that obtained from some criterion, and also not all elements have the chance of being selected, that is, in the non-probabilistic sample the ones selected are participating elements subject to their availability.

With this type of sample, the aim was to survey informants who were available to answer the study questions, without discrimination of sex, age, race, academic levels.

## **RESULTS AND DISCUSSION**

### **Judicial Sector**

The judicial sector (Courts) was characterized by exceptional attention to certain types of processes due to the urgency and specificities of the legal nature of the events in society.

In the period studied, with the outbreak of COVID-19, the judicial sector was forced to deal only of cases related to minors, cases involving defendants who were imprisoned in Preventive Penitentiary Establishment of the City of Maputo and labor cases, due to urgency and need to treat them.

### **Legal Assistance in Times of COVID-19**

In terms of Legal Assistance, it is worth noting that Covid-19 has brought enormous lessons and challenges to the City of Maputo.

IPAJ is an institution that provides legal assistance and judicial representation with the help of Legal Technicians in Training and Lawyers in Training, assigned to the various sectors of Maputo City Courts, Criminal Investigation Sections, Delegations and Courts Districts at the level of the City of Maputo.

During the period studied, COVID-19 forced the suspension of the professional practice of Technicians Legal and Trainee Lawyers between April 2020 and August 18, 2020. • The courts were forced to work on weekends and, together with the Public Defender's Office, resolve conflicts arising from violations of Presidential Decrees.

To address the shortage of personnel in the various sectors of the Judiciary, it was necessary assign a Public Defender to each sector of the Administration of Justice where there is one IPAJ Office.

And, due to the shortage of personnel caused by the absence of Legal Technicians and Lawyers Interns, it is urgent to increase the number of Public Defenders to meet the needs of the institution.

However, through mobility, the institution has been receiving lawyers from other countries. public institutions. This is one of the lessons that Covid19 brings us.

About conferences, legal fairs and civic education campaigns. It should be noted that these were carried out in groups, bringing together citizens of different ages, in schools, centers professional training, markets and other locations.

With the outbreak of the COVID-19 pandemic, lectures, legal fairs and advocacy campaigns civic education began to be carried out via radio and television, quickly bringing the services provided by IPAJ to economically disadvantaged citizens.

Between April 2019 and March 2020, IPAJ Cidade de Maputo served around 14,526 needy citizens.

Between April 2020 and March 2021, IPAJ Cidade de Maputo served around 9,747 citizens needy.

Regarding the holding of conferences, legal fairs and civic education campaigns: •

IPAJ Cidade de Maputo, between April 2019 and March 2020, carried out around 115 conferences, 7 legal fairs and 4 civic education campaigns.

Furthermore, between April 2020 and March 2021, IPAJ Cidade de Maputo carried out approximately 111 conferences, 5 legal fairs and 0 civic education campaigns.

Between April 2019 and March 2020, IPAJ Cidade de Maputo carried out around 115 conferences, 7 legal fairs and 4 civic education campaigns.

Furthermore, between April 2020 and March 2021, IPAJ Cidade de Maputo carried out approximately 111 conferences, 5 legal fairs and 0 civic education campaigns.

In 2019, IPAJ Cidade de Maputo served around 14,037 of the 14,870 planned. And they were approximately 106 conferences were held, 8 of the 6 planned legal fairs and 4 of the 4 campaigns civic education provided.

In 2020, IPAJ Cidade de Maputo served around 11,119 of the 11,115 planned. And they carried out if about 117 conferences, out of the 60 planned, 7 legal fairs, out of the 6 planned, and 0 campaigns of civic education, of the 4 planned.

In the first quarter of 2021, IPAJ Cidade de Maputo served around 3,190 of the 2,998 planned. And about 27 of the 28 planned conferences were held, one of the 2 fairs legal measures provided and one of the 1 civic education campaigns provided.

YEAR	ACTIVITIES		
2019	Legal Assistance		OTHERS
	Expected cases	14870	Lecture – 56
		14037	Legal Fair – 6
			Civic Education Campaign
2020	Expected cases	11115	Lecture – 60
	Assisted Cases	11119	Legal Fair – 6
			Civic Education Campaign 4
I Quarter/2021	Expected cases	2998	Lecture – 28
	Assisted Cases	3190	Legal Fair – 2
			Civic Education Campaign – 1

• Regarding labor cases attended to during the COVID-19 pandemic, approximately 293 cases of citizens with economic needs were attended to, as can be seen in the following table:

<b>Labor Cases</b>		
Type of cases	Male	Female
Disciplinary process	105	8
Dismissal	130	13
Revocation Agreement	13	6
Salary delays	3	0
Employment Contract Action 9		5
Contract suspension	1	0
Total number of cases	261	32

## CONCLUSION

It is concluded that, with the outbreak of Covid-19, IPAJ Cidade de Maputo was forced to redouble efforts to fulfill its functions, which is to provide legal assistance and representation legal assistance to economically disadvantaged citizens, with the period under study providing important teachings, such as holding conferences, legal fairs, campaigns civic education through radio, television, etc.

And, having the rotation system as one of the ways to avoid the spread and contamination of COVID-19, was forced to appoint at least one Public Defender in each location where there is a Representation of IPAJ, either at the level of the City of Maputo or at the level of

Municipal District.

And, with the return to the new normal, IPAJ Cidade de Maputo develops its activities with greater rigor and vigor.

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## Legislation

Presidential Decree No. 11/2020, of March 30.

Order No. 156/2013, of 27 September.