

**THE LEGAL ANALYSIS OF THE PROBONO SERVICES IN UGANDA, THE
EFFECTIVENESS OF THE INSTITUTIONS IN UGANDA.**

BY

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APPROVAL

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Date.....*28/9/2016*.....

DEDICATION

I dedicate this work to my beloved parents MR and MRS NGOBYA JUSTINE and the family at large whose love, care, concern, extreme tolerance and understanding has brought me this far.

Thank you

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LIST OF LEGISLATION

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2. The Advocates (legal Aid Services to Indigent person
3. The Advocates (student practice) Rules S.170 of 2004.
4. The Advocates Act, Cap 267 as Amended by Act No. 27 of 2002.
5. The Civil Procedures Rules S.71-71 (Paper Appeals Order XLY)
6. The International Convention Civil and political rights 1966
7. The Magistrate's Court Act Cap 16
8. The poor person Defence (expenses of Advocates) Rules S.1 20-2
9. The Trial on Indictment Act Cap 23

LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
DPP	Directorate of Public Prosecutions
DANIDA	Danish International Development Agency
LAG	Legal Aid Project
LASPNET	Legal Aid Service Providers Network (Uganda)
NGO	Non Governmental Organization
LASPS	Legal Aid Service Providers
PSWO	Probation and Social Welfare officer
CSO	Civil Society Organization
ILOS	Justice Law and Order Sector
LABF	Legal Aid Basket Fund
LAC	Legal Aid Clinic of the Law Development Center
UDHR	Universal Declaration of Human Rights
ACHPR	African Charter of Human Rights
ICCPR	International Convention on Civil and Political Rights

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ABSTRACT

Legal Aid is a right which is recognized and provided for both at international and national level in order to bridge the gap between the rich and the poor.

Access to Justice is an important right which should be enjoyed by all people in the world irrespective of their social, economic and political differences in order to promote the role of law.

The legal aid providers Network (LASPNET) was established to link up all legal aid service provider by providing a forum of networking ideas and promoting the legal Aid sub-committee of the law council. The only legal aid provided by the state is through the state brief system for only capital aid policy to hold government accountable for providing legal services to indigent persons whose rights have been violated.

Despite the fact that both government and NGOs have done a lot to ensure that all people access Justice in Uganda. There are still gaps in existing effort by government to enhance access to justice through the provision of legal aid service to the poor.

Key legal provisions are largely provided by the Civil Society Organization instead of government and its not clear how many other legal aid providers exists in the country, where and how they operate.

In the number of social sector the system has worked properly well such as education, but in reaching rural poor is the problem due to poor infrastructures like road, communication system, no security among others. It was against this background that the study was conceived.

CHAPTER ONE

1:0 Introduction

Article 126 of the 1995 Constitution of the Republic of Uganda provides for the exercise of judicial power Clause 2 (a) provides that in the adjudication of civil and criminal cases, the courts shall administer justice to all irrespective of the social and economic status.

Article 28 (3) (e) of the Constitution imposes an obligation on the state to provide legal representation at its expense to every person in case of any offense which carries a sentence of death or imprisonment for life, be entitled to legal representation at the expense of the state.

Now the question goes can there be effective administration of justice when the majority in Uganda are too poor to afford legal representation, since Art 28 (3) (e) provide legal aid to those with heavy offences but not to those with minor offences, thus how could this constitutional provision achieve justice, equality before the law and rule of law as entrenched in the Constitution.

Access to legal aid is an inalienable right provided for under international law that should be enjoyed by people world wide in order to ensure that justice is achieved and since the principle of Rule of law calls for equality before the law.

Right to equality as provided for under Article 21 of the 1995 Constitution of the Republic of Uganda is a fundamental right which is entitled to every person by the virtue of being a human being regardless of their status, age, colour, tribe, position, sex and many others.

Therefore it is better to ensure accessibility and availability of the means for formal access to legal aid system, knowledge of legal rights and obligation the ability to claim these rights and effectively represent one's interest regarding obligation this will enable both the poor as well as the rich to enjoy their rights.

In effect, lack of an effective legal aid system denies financially disadvantaged and vulnerable persons the right to enforce their rights therefore access to legal aid is crucial to ensure that a range of other human rights are met.

Deborah L. Phode

Once noted that every lawyer has a responsibility to provide legal services to those unable to pay and personal involvement in the problem of the disadvantaged that can be one of the most rewarding experiences in the life of a lawyer”

The provision of legal aid to the vulnerable and indigent has emerged as a dominant intervention in enhancing access to justice for the poor. Legal aid services address the concerns of the needy by focusing on challenges arising from affordability of the user costs, lack of legal representation, ignorance of legal rights, and many others.

Legal aid helps the poor to resolve their disputes at family and community level, enhance awareness of legal and human right through outreaches in schools, at community level, prisons, hospitals and in many areas and empower them to claim their rights and advocate for social, policy and legal change at community and national level.

Under American Bar Association model Rules of professional conduct. It was stated that

“To do good is noble and to teach others to do good is nobler and no trouble”

Therefore pro bono services is of a great importance as it enables those below the poverty line to access justice in a fair, impartial and independent court here by promoting equality and they greatly contribute to the empowerment of individuals and communities as a key ingredient of poverty reduction efforts.

1.1 Definition of legal terms used

This section of research is aimed at defining some key concepts that are core to this work.

1.1.1 Pro bono

The term is short for pro bono public is a Latin term that means for public good, the term is used in different context to mean offering free services. These are professional legal aid work undertaken voluntarily and without payment or at low cost to vulnerable or under privileged persons.

1.1.2 An indigent

Refer to a person who is financially unable to pay filing fees and court costs or a person who is too poor to hire a lawyer in order to access to justice.

1.1.3 Rule of law

The principle that all people and institution are subject to and accountable to law that is fairly applied and enforced the principle of government by law, is the legal principle of law that law should govern a nation as opposed to being governed by arbitrary decisions of individual government officials.

Albert Dicey

Identified 3 principles of the rule of law which included,

- (a) The absolute supremacy as opposed to the influence of arbitrary power.
- (b) Equality before the law
- (c) The law of the constitution is a consequence of the rights of individuals as defined and enforced by courts.

1.1.4 Good governance is about the process for making and implementing decisions, it is not about making correct decisions but about the best possible process for making those decisions, good decision making processes and therefore good governance, share several characteristics all have a positive effect on various aspect of local government including consultation policies, quality protocols, councilor, officer conduct role clarification and good working relationships.

1.1.5 Legal aid the Advocates Regulations define legal aid as the provision of legal advise, representation by a lawyer, an advocate or paralegal as the case may be ancient without cost or at a very minimal cost.

1.2 Background of the study

Since provision of pro bono service is an inalienable right attached to an individual it is provided under the provision of international instruments like ICCPR, ICESCR, and ACHPR

The state is under an obligation to fulfill this duty at international plane in that it is expected to provide legal aid to unable persons, it can not rely on it is national law for failure to meet its obligations at international level, thus a need to legislate some of these international provision into there national level, failure of which is denial of human rights.

Article 28 (3) (e) where the stage is obliged to provide legal aid to criminals with big crimes leaving out those with minor offences thus this is a miscarriage of justice, meaning persons with minor offences will undergo unfair trial due to lack of access in terms of financial assistance, then no rule of law, poor governance and unequal treatment contrary to Article 21 of the Constitution of the Republic of Uganda 1995.

According to a report prepared by the commission on legal empowerment of the poor titled.

“Making the law work for every one” one of the four pillars of the legal empowerment of the poor is the provision of access to justice and the rule of law.

The focus of the pro bono service is therefore tailored around the empowerment of the poor primarily through enabling them to access justice. There are a number of avenues through which pro bono services are rendered in Uganda these include compulsion through regulations, community legal aid clinic, non governmental organizations. Payment of lawyers on state brief to represent individuals that are entitled to pro bono services.

These avenues have been established to ensure that the poor and marginalized people have access to the justice system also a view of strengthening the national capacity to deal with identified service gaps in the justice, law and order sector (JLOS) it was adopted in 2000 for administration of justice and maintenance of law and order in pursuing a vision of justice for all in Uganda.

The only government funded pro bono initiative is the state brief system for capital offenders under state briefs, Ministry of justice sends out invitations to practicing advocates requiring them to represent indigent criminals at a small fee provided by the state, this practice is in conformity

with the constitutional provision under Article 28 to the effect that a person accused of a capital offence shall be entitled to legal representation at the expense of the state.

The state is constitutionally mandated to provide them with legal representation under Article 28 (3) (e) but the system has not been adequately utilized to address the level of need in the country.

On the other hand, though JLOS has committed itself to supporting the process of developing a national legal aid and pro bono policy in an effort to promote access to justice, most of legal providers operate primarily in urban centers, lack of legal institutions and policy framework at national level to guide the provision and regulation of legal aid and pro bono services.

There is lack of an effective supervisory mechanism for provision of these services throughout the country.

Justice sector suffered from lack of finance, demoralized staff who accept bribes and delivery of low quality service institutions lacked infrastructures, logistics, personnel and proper legal aid policy direction to effectively execute their functions leading to no effective access to justice for all persons in that the rich continues doing unlawful purchase justice at the expense of the poor as per the saying.

“Why bother with the lawyer when I can buy the judge?”

Therefore civil society actors have put much effort to create awareness of legal rights and procedures of redress.

1.3 Statement of the problem

The problem of this study is to examine the adequacy of the law in the provision of legal aid since legal aid is a human right guaranteed under Article 28 (3) (e) and Article 126 of the Constitution calls to administer justice without undue regard to technicalities,

In Uganda, every accused in a criminal trial is entitled to an attorney however, only accused persons charged with crimes that carry a death sentence are entitled to a government provided advocate. As such, many Ugandans are left essentially without legal aid they cannot afford to hire an advocate nor are they entitled to government provided counsel except in the most extreme cases.

Again any party may retain an advocate for a civil suit but the government does not provide free legal counsel in any civil suit.

Due to the insufficient and limited nature of government sponsored legal aid coupled with a large impoverished population, there is a severe unmet legal need in Uganda that is Uganda has a severe shortage of attorneys, because a large proportion of Uganda's populations live below the poverty line.

Lack of legal aid largely restricts the average citizen's access to justice, legal representation is only available in a limited number of Uganda's districts, and there is a substantial backlog of cases which presents a serious structural and administrative burden.

This study was concerned against the background that access to justice is an important right which should be enjoyed by all people in the world irrespective of their socio-economic and political differences.

On the whole, there are critical gaps in the existing efforts by government to enhance access to justice through the provision of Legal Aid Services to the poor. Key legal aid provisions such as access to legal information, legal literacy, legal services and judicial systems are largely provided by civil society organizations instead of government.

It is not clear however how many other legal aid providers exists in the country, were they operate and how, recent policy shifts in Uganda have tended to emphasize, among others, a decentralized system of service delivery. However, where as this system has worked relatively well in a number of social service sectors in reaching the rural poor, it is not known how effective this can be in the provision of legal aid services. It is against this background that this study was carried out.

1.4 Objectives of the Study

1. Analyze laws relating to legal aid provision
2. To identify loopholes and excesses in the laws providing for the provision of legal aid.
3. To establish the nature and character of legal service provision in Uganda.
4. To identify the specific legal aid needs around the country.

5. To make recommendations for improved access to justice for the poor.

1.5 The major goal of the study

The study was conceived under the broad goal of establishment mechanisms for the enhancement of fundamental human rights and freedoms and more particularly the need for improved access to justice by indigent categories of the Ugandan population.

1.6 Hypothesis

- (i) Access to justice is inalienable right that should be enjoyed by every person in the world, it is not granted from any body but rather by the virtue of being a human every person regardless of status, whether poor or rich must access justice in order to promote the rule of law and equality before the law.
- (ii) Society or some people believe that justice is for the rich and those whose relatives in the government, this is a wrong perception in that we all belong to one family of being a human thus all fundamental rights and freedom must be enjoyed universally without any distinct discrimination, regardless of the saying in the society that

“A good lawyer is a bad Christian”

“Lawyers are liars among others”

Justice system was established to ensure that justice is achieved universally.

1.7 Methodology

In the study of this subject the researcher applied qualitative method of research by using textbooks, various articles, reports published.

Through library research like high court library, centre for basic research library, KIU main library and electronic sources like internet.

The researcher also used qualitative method of research by interviews to some of the pro bono service providers workers, interviews were conducted at separate sites and these were chosen according to information gained especially with senior managers of various legal aid service providers, lawyers, paralegals and others with structured questionnaires.

1.8 Synopsis

This is presented in five chapters.

Chapter one covers the introduction, definition of some words used in the study, background of the study, statement of the problem, objective of the study, hypothesis, methodology, synopsis and literature review.

Chapter two discusses the policy and legal framework for legal aid service provision. It presents a discussion concerning various laws that provide for the right to legal aid in Uganda.

Chapter three discusses the various pro bono service providers in Uganda that make effort in the provision of legal aid services to vulnerable and indigent persons in Uganda.

Chapter discusses the benefit contributed by pro bono service providers, challenges faced and the finding I have gathered from the field.

Chapter five, presents the conclusions and make recommendations suggestions and proposals aimed at guiding legal empowerment achieve it is stated objectives.

1.9 Literature review

The objective of this research is to establish the nature and character of legal aid service provision in the country by building on the findings of some vital earlier surveys.

1.1.6 Report on the baseline and needs analysis survey on legal aid provision in Uganda 2004.

This study was conceived against the background that access to justice is an important right which should be enjoyed by all people in the world irrespective of their socio-economical and political differences.

That are existing gaps in government efforts to enhance access to justice through the provision of legal aid services to the poor for example the key legal provisions like legal information, legal literacy are largely provided by civil society organization instead of government.

The findings of which were hoped to inform processes for improving legal aid service provision in the country.

1.1.7 A baseline survey of Uganda's legal Aid Service providers 2012.

HURIPEC believes that before the clinic ventures into more active legal aid provision and strategic impact litigation. It is necessary to understand the current environment and context of

legal aid and strategic impact litigation. This involves reviewing the major legal framework on legal aid, strategic impact litigation most importantly understanding the work of various key actors in the sector.

For this reason PILAC commissioned a 3 month baseline survey in Jan 2012 to map out the key legal aid service providers and most vital actors in the area of strategic impact litigation include findings.

The survey will guide PILACS future work and interventions and also help identify opportunities for collaboration on existing opportunities for collaboration on existing initiatives and also expected to isolate the key challenges faced in legal aid service provision and strategic impact litigation.

1.9.3 Enhancing Access to Justice and improving law and order Karamoja 2008.

The study highlighted that general ignorance of the law and confusion between the traditional and formal system of justice delivery need to be addressed, as a precursor to observance of basic human rights of the people of Karamoja.

The study suggests that legal aid programmes can go along way to enhance access to justice for different categories of people in the region.

1.9.4 Joint survey on local council courts and legal aid services in Uganda.

Joint survey noted that the legal aid service provider should engage ILOS at a strategic level by translating achievements and challenges registered in service provision at community level into policy advocacy issues.

The findings showed a need for an appreciation of the opportunities available for C.S.O's to create linkages with IC courts.

Formal and informal justice mechanism in post-conflict west Nile 2002.by Joan Aliobe, Paul Arinitwe.

Report noted that traditional mechanisms of justice are subsumed by the formal structures yet these latter appear chronically under funded misunderstood within the communities and susceptible to corruption.

The findings indicate that legal aid in the west Nile region is critically needed as an entry point to the formal justice system.

CHAPTER TWO

2.0 The policy and legal framework for legal aid service provision

The practice of pro bono work in Uganda has also been going on for quite sometime though regulation first come about with the amendment of the advocates Act in 2002.

2.1 The policy frame work

Legal aid in Uganda have for along been provided by both the state and non state actors without any policy backing from the government.

At the annual JLOS Review of 2008, an undertaking to develop a national legal aid policy and institutional framework was adopted.

With funding support from legal aid basket fund (LABF) a consultant was engaged to develop the policy and the process is ongoing.

2.2 Legislative framework

There are a number of statutory provisions in place that effectively service the purpose of enforcing the constitutional provision aforementioned as well as support for bringing access of justice to poor including the constitutional, the magistrates Act among others.

2.3 The Constitution of the Republic of Uganda 1995

Chapter four of the Constitution provide for human rights and fundamental freedoms that must be enjoyed by every person by the virtue of being human.

These are inalienable, indivisible and independent rights and applicable to every person regardless of any kind of distinction say age, colour, tribe, race etc.

The same chapter empowers parliament to enact laws fit to implement policies and programs aimed at redressing social and economic laws.

The Constitution is the supreme law of the land meaning that it is the mother of all laws from which other law derives it is validity. Therefore any other laws that is inconsistent with any of it is provision is null and void as per Article 2 of the Constitution.

Similarly article 126 (1) (e) provides that substantive justice shall be administered with out undue regards to technicalities.

In Uganda, Article 21 of the Constitution 1995 guarantees equality before the law to all citizens. However, most Ugandans find it extremely hard to realize this right. This is partially due to the fact that the country experiences high levels of poverty and illiteracy in addition; there is still a high level of urban bias in the geographical distribution of most essential services including legal aid.

In Cognizance of the above constraints, the Ugandan Constitution under Article 28 (e) imposes an obligation on the state to provide legal aid to all people charged with serious criminal offences and cannot afford an advocate

Article 28 protects the right to a fair hearing which includes among others the presumption of innocence until proved guilty, the right to adequate time among others importantly; these rights can only be effectively realized where there is legal representation although the Constitution only guarantees free legal representation in case where the maximum penalty is death.

It should be noted that the Ugandan Constitution makes provision for yet another indirect avenue for legal aid in terms of public interest litigation. Article 50 (2) of the Constitution bestows on any person including any organization the right to bring an action against the violation of any person's or group's rights. In effect the provision has related the rules of locus standi over the years, this provision has been relied on by various individuals and organization to challenge human rights violations against citizens, who would not otherwise afford the cost of Legal Services such actions may therefore be said to constitute legal aid but of a strategic nature whose intended results are meant to benefit a larger group of persons.

Though Article 28 (3) (a) provides for the presumption of innocence, in practice we have seen a number of cases where accused are prosecuted, arrested and detained without proper procedure who denied access to their families, they disappear with no trace practical measures is needed to ensure that disappearance of innocent person is cured.

Similarly still Article 23 (4) (b) requires suspects to be charged within 48 hours of arrest but suspects are held frequently longer if the case is presented to court before expiration of that provided period.

I find the section weak because it provides no limit on pre-trial detention.

Article 21 (1) of the constitution calls for equality of all persons before the law, regardless of position, status, tribe and the like but the same Article 21 (5) provide an exceptions for the above provision which states that

“Nothing shall be taken to be inconsistent with this Article which allowed to be done under any provision of this constitution”

According to Article 98 (4) the president while still holding office is not liable to any proceeding in court.

Thus Article 21 (1) gives a right and 21 (5) takes it away on a special situation meaning that where president is the violator of the law while holding his/her term the role of law and principle of equality is of no value leading to injustices.

Thus a measure is needed to deal with such likely circumstances to ensure that justice is meet as per the maxim “justice delayed is justice denied”

Its horrible to wait until his term is over as per Article 98 (5) the victim is supposed to be put in the position he was before his/her right was infringed upon. Thus to some extent the 1995 constitution has failed.

2.4 Advocates Act Cap 267

Section 3 (e) provides that law council shall exercise general supervision and control over the provision of legal aid and advice to indigent person.

Section 15A of the Amendment of the same Act provided that

- (i) Every advocate shall provide services when required by the law council or pay a fee prescribed by the law council in lieu of such services.
- (ii) That where any advocate does not comply with subsection (1) the law council shall refuse to issue or renew a practicing certificate to that advocate under sub section 11 of this Act.

Advocate Act, as amended is supplemented by other laws and regulations such as those below.

While the above provisions greatly enhance and entrench legal aid in the country, they generally fall short of establishing a right to legal aid per se, in that they attempted to create mandatory obligations on lawyers to offer free annual representation to persons who would otherwise not be able to afford legal fees, rather than putting in place a consistent and sustainable framework for the availability of legal aid services.

2.5 The advocates (legal Aid to indigent persons) Regulations S.1 No. 12 of 2007

These provisions are made pursuant to section 77 (1) of the Advocates Act regulation section 3 (1) stipulates that the regulations providing legal aid to indigent persons in Uganda.

The Regulations established general rules that govern the provision of Legal Aid Services these includes rules on the registration of legal Aid Service providers, eligibility for Legal Aid as well as client care and quality Standards among others.

Though the regulations established general rules that govern the provision of legal Aid services say eligibility, client care, equality standards, in practice are many hindrance to meet the set goal for example rampant corruption, over dependent on Donor funding, therefore falls short of satisfactory when expectations are hardly achieved.

2.6 The Poor Persons Defence Act cap 20

Section 2 thereof provides that where it appears for any reason that it is desirable, in the interest of justice, that a prisoner should have legal aid in the preparation and conduct of his or her defence at the trial and that the means of the prisoner are insufficient to enable him or her to obtain such aid. This is an act to make provision for the defence of poor persons committed for trial before high court.

In practice its contrary to the above provision in that unjustified arrest is rampant with no notification to the family of the accused, many prisoners are imprisoned with no proper procedure this usually happen when the rich bribe the police, wardens of prison, judges thus a need to reform.

2.7 The Law Development Centre Act Cap 132

S.3 (1) provides that the Law Development Centre shall have the function of assisting in the provision of legal aid and advice to indigent litigants and persons in accordance with any law for the time being in force.

Though it has contributed much in helping the vulnerable and indigent through legal aid service provision, it has failed to meet its objective reason being that a number of poor people who live in far rural places cannot access justice.

In the L.D.C. is situated in Kampala with no branches in deep rural places an example areas like Nawandara, Nakabugu, Naigobye, Naibiri, Kigulu from Busonga in the deep.

In my view and according to my research a few people from those areas have accessed L.D.C services but a big number failed to access.

“How do you expect a vulnerable and indigent person from that place to access services of L.D.C with out support? “

Thus a need to establish L.D.C branches in deep areas in village to enable indigent and vulnerable from that side to enjoy their rights equally.

2.8 The Advocates (student practice) regulations S.170 of 2007.

These regulations are made pursuant to section 11 (6) of the Advocates Act which provided for the right to practice.

Regulation 7 is to the effect that no payment of any kind shall be given to a student for his or her service under these regulations can be deemed as legal and pro bono services, though under supervision by an advocate.

Though this regulation was intended to ensure that students benefit from professional exposure and training in order to cater for the needs of poor. It has rendered the work ineffective reason being that institutions, legal service providers instead of hiring enough qualified experienced persons for the better quality services are using students with no experience in avoidance of payment hereby leading to poor quality services thus there need a plan/ measure for legal aid providers to hire enough qualified lawyers.

2.9 The Advocates (pro-bono services to indigent persons) regulations SI no. 39 of 2009.

These regulations are made pursuant to Section 15A and 77 (1) (a) of the Advocates Act as stipulated in regulation 3. These rules make the provision of pro-bono services to an indigent person every year. Mandatory by every advocate. Advocates are required to offer 40 hours of pro-bono services to an indigent every year.

According to regulation 3 (2) and (3) the pro bono services to be offered include, giving legal advise, providing representation to indigent person, involvement in giving free community legal education, involvement in giving free legal advice, representation to a charitable etc.

Under regulation 41 an advocate who is required for every two professional services hours, to pay the equivalent of one currency point to the law council in lieu of the provision of the service a currency point is equivalent to twenty thousand shillings.

Not every lawyer will be in position to provide pro-bono services and as such the provision of opting out through, making such payment is good, though you may find in any given situation there are more lawyers opting out than volunteering for pro bono services leaving very few committee volunteers, thus ineffective to meet its aim.

2.10 The Trial on Indictment Act Cap 23

This Act provides for a person accused of an offence before the high court to be defended by an advocate, at his or her own expenses however because the majority of the cases titled in high court are of capital nature, and attract life imprisonment or death penalty the practice is that all accused person appearing in the High Court must be defended by an advocate either of their choice at their own expense or by one assigned to them by the state at the expense of the state.

While it play a great role in the provision of legal aid services to indigent and vulnerable people, the system did not work properly in that indigent often receive inadequate and inferior legal services from lawyers who lack commitment to their cases thus a need to reform.

2.11 International and regional framework

Presently Legal aid is conceptualized as an integral part of due process and the associated rights to a fair trial hearing. For this reason, it may be said to be governed by a number of human rights treaties at both the international and regional level and regional level. Uganda is partly to most of these treaties, including International Covenant on Civil and Political Right (ICCPR),

International Convention on Economic, Social and Cultural Right (ICESCR), African Charter on Human and Peoples' Right (ACHPR).

Article 14 (1) of ICCPR guarantees equal rights for all before all courts and tribunals while emphasizing every person's right to a fair hearing.

Article 14 (3) guarantees free legal representation for all persons who cannot afford legal services on the other hand Article 7 (1) of the African Charter guarantees the right to a fair trial in almost similar terms the Charter protect every persons right to defense counsel.

Still at the region level Article 8 of the protocol to the African Charter on Human and Peoples Rights of women in Africa protects the right of women to access judicial and legal services including legal aid.

The African Commission on human and peoples Rights has also affirmed the right to legal aid in a number of Declarations for example, the Dakar Declaration recognizes the need for legal assistance in actualizing Article 7 and Article 26 on the right to a fair trial which includes to those who cannot otherwise afford them.

Finally the LILONGWE Declaration enjoins African states to recognize and support the right to legal aid in their Criminal Justice System.

The Declaration provides one of the most Comprehensive guidelines on legal aid services provision in Africa.

In the case of Paul Ssemwogerere and 5 others Vs A.G. Court stated International Human Right Conventions mentioned in the petition are not part of the constitution of the Republic of Uganda. That a provision of an Act of parliament cannot be interpreted against them. This issue was therefore misconceived and a clear show that in practice Ugandan courts have been reluctant to apply international law in their decision.

In conclusion its vital to note that much as a law on access is essential mere enactment is not enough, by itself legislation alone will do little to transform a classed governance environment in an open democracy hereby calling for a practical measure to ensure that justice is achieved in all prevailing circumstances.

CHAPTER THREE

PROBONO SERVICE PROVIDERS IN UGANDA

3.0 Introduction

Legal Aid

Article 28 (3) (e) of the Constitution of the Republic of Uganda 1995 guarantees the fundamental right to proper representation in court. The state is required to provide legal aid to person with capital offences under the law free legal representation of indigents was considered an attorney's honorary and mandatory task however the system did not work properly indigents often receive inadequate and inferior legal services from lawyers who lacked commitment to their cases, the need for reform become apparent, Legal aid is categorized into two ways that is primary legal aid which include legal representation, legal advice, mediation and legal counseling as well as secondary legal aid which involves human rights training, legal awareness, law reform, legal research and advocacy.

3.1 Pro bono service providers in Uganda

There are a variety of pro bono service providers in Uganda though most of them are concentrated in urban centers, the existence of large number is attributed to the efforts of justice, law and order sector institutions and civil society organization which are appreciated for being instrumental in advancing pro bono services to the vulnerable and indigent persons in Uganda.

3.1.1 The main objective of most pro bono service provider include the following

- (i) To provide high quality legal Aid services to indigent men, women and children
- (ii) To provide respect for rights and rule of law in Uganda.
- (iii) Lobby and advocate for legislation and policies in favor of the poor at national, district and local level.

3.2 Most prominent legal and service providers in Uganda under the umbrella of LAPSNET as well as non members include the following.

3.2.1 Legal Aid project of Uganda law society was established by Uganda law society in 1992 with assistance from Norwegian Bar Association, to provide legal assistance to indigent and vulnerable people in Uganda.

The project was born out of the fact that a part from the state brief system that handles only capital offences and huge backlog of cases, there is no statutory free legal service provision in Uganda despite the fact that a large part of Uganda population lives below the poverty lines and without means of accessing justice.

L.A.P has branches in Kabarole, Kabale, Masindi, Jinja, Gulu, Luzira with the head office in Kampala to date the project has helped and continues to help thousands of indigent men, women and children in advocating for their human rights.

Therefore ULS promoted legal empowerment by focusing on issues of power and how to deliver strategies that enhance vulnerable peoples capability to access justice putting the law in their hands hereby enhancing justice for all especially marginalized and poor.

3.2.2 Public Defender Association of Uganda

PDAU is a non profit human rights organization that offers criminal legal aid and pro bono services to the poor conceived in 1997, PDAU's legal services to poor people is a factor in promoting the right to liberty and fair hearing, alleviating poverty and ensuring professional cost effective complete and equality services.

It has helped to enhance access to justice in financial access by providing free services to vulnerable people and access in technical terms assisting with an understanding of rights and laws hereby reducing incidence of crime promoting the safety of the person and security of property.

However it should be noted that not all vulnerable person access justice due to lack of funds, inadequate services delivered by the uncommitment lawyers among other factors.

3.2.3 FIDA Uganda legal and clinic

The Association of women lawyers was established in 1974, it established his first legal aid clinic in Kampala with the objective of providing legal services to indigent women to enable them access justice.

PDAU has done a great deal to provide women with the legal information and tools to put the law into their hands while at the same time giving them the confidence and self respect which

can translate into greater access though without forgetting that their still culture barriers that hinders women to access fully their entitlements.

3.2.4 Uganda Christian lawyer's fraternity (UCLF)

Is part of the clear international network and runs a successful student work legal aid educational community outreach and legal aid support program for work in client's aid prisoners.

In 2005 UCLF was registered as NGOs prior to its registration as a Non governmental organization it would mobilize Christian lawyers into serving the indigent community of Uganda by ensuring that God's character of justice and mercy is communicated in both words and actions in this respect Christian lawyers would carry out pro-bono work through their respective offices and not under the auspice of UCLF.

UCLF presently operates offices in Kasese, Gulu with the head office based in Wandegeya Kampala.

Thus (UCLF) enhanced access to justice in psychological terms through better confidence, and in physical access for example paralegals leading in promoting the rule of law and due process

3.2.5 Refugee law project Makerere University Faculty of Law

It was established in 1999, it runs a legal aid and counseling department which offers free information and achieve to asylum seekers and refugees and engages in the provision of free legal assistance to the refugee. Hence promoted the principle of equality as per Article 21 of the constitution of the Republic of Uganda 1995.

3.2.6 Legal Aid Clinic of the Law Development Centre

Was founded in 1985 with assistance from ford foundation and United States Agency for International Development, It offers free legal assistance to indigent partly criminals juvenile offenders as well as children in need of care and protection established for main purpose of improving the level of training of bar course students and to promote lawyers role of service to the community and legal representation of needy person.

It assist in rights enhancement and rights enforcement through advocacy, thus play an important role in promoting legal empowerment.

3.2.7 International Justice Mission

I.J.M is a Christian non governmental Organization led by Human rights professionals which helps people suffering from injustices and oppression, who have not been able to obtain justice through local authorities.

I.J.M investigates and documents cases of abuses and provide pro bono legal representation to vulnerable individuals.

In helping those suffering from injustices and oppression via investigation machinery many have accessed justice though should be marked that when the state is the perpetrator it has failed to meet its set goal on many occasions.

3.2.8 Foundation and Human Rights Initiative (FHRI)

This promotes citizen awareness of basis fundamental human rights and obligation and guaranteed in the Ugandan constitution and other international laws.

It places an emphasis on good governance respect for the rule of laws, democracy and legal protection of human rights in an attempts to meet its mandate FHRI provide legal representation though mainly in public interest litigation cases.

It seeks to remove impediments to democratic development and meaningful enjoyment of fundamental freedoms as enshrined in 1995 Ugandan Constitution and focused primarily on promotion of human rights provide pro bono representation through public interest litigation.

It has helped a number of unable persons to access justice for example via human rights awareness, legal representation among others thus good governance for respect for the rule of law.

3.2.9 Justice centres – Uganda

Justice Centers-Uganda is a project of government of Uganda under the justice law and order sector started in Dec 2009, JCU was established and operaitonalised in the judiciary.

JCU is a one stop-shop legal aid clinic that seeks to bridge the gap between the supply and demand sides of justice this is done through the provision of abroad range of legal aid services to indigent and vulnerable persons in Uganda.

Focusing on cost efficiency, effectiveness, quality and outreaches, the services of justice centres Uganda cut across civil and criminal areas of justice.

The project aims at empowering individuals and communities to claim their rights and demand for policy and social change some of the services are legal advice, court representation, (ADR) counseling, psycho social support, among others.

Therefore J.C.U has the potential not only to enable these vulnerable group resolve their disputes at the family and community level but to enhance awareness of legal and human rights, empower them to claim their rights and advocate for social, policy and legal change at community and national level.

It should be noted that JCU uses a test called means and merit test (M.M.T) to determine who is poor, though the system has worked properly to some extent also denied some category of people access justice, reason being that not all rich people are in position to access justice due to rampant corruption in the country, most lawyers, judges are bribed to turn down their clients cases, thus J.C.U need to create another strategic plan for those people who failure to access justice to promote rule of law and principle of equality as per Article 21 of the 1995 constitution in this they need to inquire whether the person before them though failed (MMT) has tried to access justice and failed in order to give a hand since it is their mission.

3.2.10 Uganda Land Alliance was formed to enhance access, control and ownership of land by poor and marginalized people in Uganda in order to ensure that every person regardless of status enjoys his or her right to property as provided for under Article 26 of the Constitution of the Republic of Uganda 1995.

It help promote safety and security of property both equitable and legal interest though not all indigents are able to access justice in respect of their land property reason being that most poor live in a far deep rural area where this organization doesnot operate.

3.2.11 Justice for children, it provides free legal representation to impoverished children the justice for children is a non profit advocacy group protecting abused children, the justice for children is a non-profit advocacy group protecting abused children and their families by assisting in navigating administrative processes and protecting them from their abuses.

Though it has done much in helping children and their families to access justice and avoiding further abuse through investigation and provision of legal services many children's rights are being violated leading to street children, early marriage, HIV/AIDs, no education and many others thus a call for a practical plan.

3.2.12 Uganda Network on Law, Ethics and HIV/Aids advocates for the legal and human rights of people living with HIV/Aids in order to promote role of law and ensure that people with HIV/Aids are not discriminated and can access justice in case of injustice or oppression.

In promoting the principle of quality as per Article 21, this gives courage, self confidence to people HIV/AIDs i.e claiming their rights once infringed upon, cannot wrongly dismissed from jobs by reason of being effected.

3.2.13 World Voices Uganda. This facilitates access to justice for the poor and the protection and promotion of human rights governance and accountability.

Thus economic development is the end result which is a great deal.

3.2.14 Youth justice support Uganda, it provides information, advice, legal representation to street children involved in criminal proceedings, Youth justice support Uganda educates streets children and organizations working with them about their legal rights and the legal process.

It has helped youth, children to live responsible citizens in the country, this is done via educating system, respecting others right and how to claim their rights once violated.

3.2.15 The Role of Justice, law and order sector

JLOs is the first of such sector of it's kind in Africa and aims to support the promotion of rule of law and to increase public confidence in the criminal, commercial, land and family justice systems. JLOs brings together 14 institutions which includes, law council, Minister of Internal affairs, judiciary, DPP, Uganda law Reform Commission, Uganda Police Forces, Uganda prisons services etc.

The mission of the sector is to enable all to live in a just and safe society" a strategic investigation plan (sipil) has been developed that sets out the broad policy interventions of the sector the system outlines five key result area which include

- (a) Promoting the rule of law and due process
- (b) Fostering a human rights culture across all ILOS institutions.
- (c) Enhancing access of justice for all especially the marginalized and the poor.
- (d) Reducing incidence of crime promoting the safety of the person and security of property.
- (e) Promoting economic development.

Thus as per its mission ILOS has enabled many live in a just and a safe society. Despite a number of challenges example ignorance of indigents, corruption, inadequate funding, culture barriers and many others.

CHAPTER FOUR

4.0 Benefits of doing pro bono work

This part of the chapter illustrates that there are a variety of benefits associated with doing pro bono work for both law students and lawyers a like.

4.1 Development of important skills necessary in the legal profession

Those involved in pro bono work gradually develop vital personal organ and time management skills to a greater extent pro bono work involves very little supervisory work for lawyers undertaking such services is commitment and interests that derives the work and inevitably without grooming personal organs and time management, once would find the work very frustrating and non productive.

Once a person gains skills necessary in legal professions to enable such a person to build his or her career and provide a better legal aid required for the vulnerable and marginalized persons.

4.2 Conduct training of skills in witness, interviewing, counseling, ADR mechanism, legal writing and drafting, legal research among other.

Such skills are vital not only in legal aid service provision but generally in the running of the legal profession. However the opportunity to acquire such skills is more evident through legal Aid service provision.

4.3. It enhances career opportunities for law students.

Following the operation of the advocates (student practice) regulations S.170 of 2004 Bar course students that engage in pro bono legal practice have a twofold opportunity of not only gaining exposure into legal practice at an earlier stage but also the opportunity to gain an impressive curriculum vitae that ultimately catch the eye of a potential employer.

A law student that gets involved in pro bono work displays honesty and commitment to help vulnerable people to access justice. Any person recruiting would thus desire to have such a law graduate on his or her team of employees.

4.4 Engaging in pro bono work also builds team working and interpersonal skills pro bono work is not so much about ensuring that a case is won through hook for the sake of making a name for the lawyer holding the case, the core principle of handling the pro bono work, nature team work, commitment among members of staff in ensuring that they live up to those principles.

4.5 Boosting students academic performance in that participating in live-client or other pro bono work boost students academic performance.

Clinical legal education programs are presently conducted at school of law, like Makerere University Faculty of Law, Uganda Christian University Mukono such programs enable students practice law at a deeper level.

Similar programs for Bar course students at Law Development Centre enable them to acquire hand on training they get to prepare clients file for trials, prepare witness and are the main point of contact with witness inevitably the student gets to understand the he or she is studying from perspective of a lawyer already in the field hence better academic performance.

4.6 Pro bono work enables all lawyers to make vital contacts with community groups, social entrepreneurs and others to take leading roles in enhancing their societies and to give back to the community which enhances morale, provides excellent training and allows lawyers to connect to clients and communities in various ways.

4.2 Challenges of pro-bono practice in Uganda

As already discussed there are policy and regulatory efforts in place with the vision of ensuring that justice is accessible to all a like and despite the substantial efforts of pro bono service providers in the country access to justice for many citizens remains elusive, in that there are still a number of challenges in the practice of pro bono work in Uganda.

4.2.1 Compulsion for lawyer to do pro bono work.

Provision of legal aid services by Advocates in Uganda is mandatory as provided for under section 15 A of the amendment of Advocate Act Cap 267

Much as this guarantees adequate provision of legal Aid by most practicing advocates in fulfillment of the law, it should be noted that compulsion towards rendering legal Aid has its criticism.

According to Colin Cohen a partner at Boase, a law firm in Hong long asserts that,

“I do not believe in compulsion, because I do not believe compulsion works but I would be in favor of a central scheme putting together a list of lawyers who are prepared to deal with

pro bono cases, so that people who really need help can get it. Therefore borrowing from the above ideas the Law Society and the council should set up a unit of pro bono lawyers who wish to provide pro bono work voluntarily, in this the vulnerable and indigent would be able to achieve the best services in time thus promotion of the rule of law.

Similarly where an advocate fails to provide pro bono services in any year he/she for every two professional hours, pay the equivalent of one currency point to law council in lieu of the provision of the service this creates a catch situation, in otherwise not every lawyer will be in position to provide pro-bono services and as such the provision of opting out through, making such payment is a good. However you may find that in any given situation there are more lawyers opting out than volunteering for pro bono services leaving very few committed volunteers.

4.2.2 Over dependence on Donor Funding

A number of legal Aid pro bono service providers rely heavily on donor funding and accountable to the legal aid Basket fund which renders their continued existence and the tenancy of their activities unpredictable like

L.A P of Uganda law society has since its inception been funded by the Norwegian bar Association. A large percentage of their activities and administrative budgets are still dependent on donors much as various members of Uganda Law Society has made contributions towards the running of the Legal Aid project, transition into financial self sustainability for such legal Aid providers remain and a challenge.

A gain operational costs for many pro-bono service providers take up over 50% of the over all budgets these include costs on salaries, office space and other costs as compared to the actual spending costs on specific legal aid programs and activities accountability towards the donors therefore falls short of satisfactory when expectations are hardly achieved.

4.2.3 Lack of good government policy

There is no current government policy on legal Aid services to guide effective and efficient legal aid services provision in Uganda although as already mentioned a draft policy spearheaded by the judiciary under the strategic investment plan.

Nevertheless legal Aid services providers is mostly provided by civil society organization with support from various donor agencies while the activities of such legal aid providers are vetted and supervised by the legal aid sub committee of law council under the Ministry of Justice and Constitutional Affairs and the Legal Aid Project of Uganda law society under it is legal Aid services scheme.

There however remains a challenge of further strengthening the supervisory rule of law council as well as ensuring an effective way of improving on working relations with civil society.

4.2.4 Logistical limitation

Regardless of large number of legal Aid service provider in Uganda Access to Justice for many remains elusive this is due to the fact that most civil society organization are based in Kampala, while based upcountry are located in the urban areas due to easy access to utilities such as electricity and water, availability of security and other necessities such as banking and communication services.

As such most peasants that fall into vulnerable positions and are in need of all sorts of legal assistance are either unable to reach the legal aid providers or still do not know where to access them, this problem is compounded further by general challenges faced in organizing community out reach programs as away of controlling such ignorance such as transport hindrance in reaching grass-root communities by civil society organizations and communication problems due to language barriers.

4.2.5 The rights of vulnerable and special interest groups such as people with disabilities (PWDS) are still inadequately protected despite the fact that the law offers them protection they still suffer from marginalization and challenges of accessibility of justice institutions because of poverty and physical challenges among others.

4.2.6 Case backlog across criminal and civil cases due to the limited number of judicial officers, with many covering vast magisterial areas, hence huge a case load, the case backlog in some instances resulted from the laxity of judicial officers in handling cases for example through numerous adjournments the backlog is also creeping into court annexed mediations since the implementation of the mandatory mediation scheme in civil cases owing to the limited number

of trained court accredited mediators especially in some regions such as eastern Uganda this is compounded by the poor attitude from both lawyers and litigants towards the mandatory requirement for mediation of civil cases many are participating in mediation for purposes of fulfilling the legal requirement.

4.2.7 Bad cultural and society practices are still existence in many communities, which affects the property and other legal rights of many groups especially women and children in many parts of the country.

Such practices have manifested in many aspects of law such as the administration of estates, particularly intestate succession also in some areas say eastern part and northern part of Uganda women experience hardships in approaching access to justice institutions due to cultural and social inhibitions that see them confined to their homes.

4.2.8 Ignorance of the law stemming from the high levels of illiteracy and the inadequate dissemination of information by access to justice institutions to illiterate masses especially in hard to reach areas, are still barriers to access to justice in many communities

4.2.9 The lack of strong synergies coupled with bureaucracy among access to justice institutions has made it difficult for these institutions to work in partnership in order to deliver justice even in cases where these institutions are doing similar work this creates challenges in referral and follow-up of cases as well as duplicity of work in some areas, whereas others are left out.

4.2.10 Poor facilitation of some of the Justice Law and Order Sector (JLOS) institutions such as police and the probation and social welfare officers. Despite the fact that these are vital institutions in the delivery of justice, they are still poorly facilitated in terms of resources. This largely affects the manner in which they execute their duties and in some cases leads to compromise of standards.

4.2.11 Lastly unjustified arrests, the problem of police swoops and arrests of especially young men who are denied bond and in many cases arraigned before courts outside jurisdiction hence making it difficult for their relatives to trace them, continues to be a challenge especially in the central region.

4.3 Findings from the field

4.3.1 Working relationships among service providers

Most of government service providers were found to have strong working relations among themselves that is the police, DPP, the court, they all work hand in hand to ensure that they achieve their set goals for example in case of referrals and a need to follow-up on cases in the formal justice system they have a working relationship towards themselves.

4.3.2 Similarly these service providers they usually agree on districts to be catered for, each service providers work on different district up on consent of either side for example justice centres Uganda deals with Kampala, Toro, Wakiso, Jinja, Luwero and others but Uganda law society deals with different districts, therefore once a client visits one of the service provider which does not deal with the districts he/she come from, the center can refer the matter to the other service providers through referral system.

However this may hinder access to justice to some extent let assume if the victim has failure to achieve the desired remedy from those obliged centers.

4.3.3 Most of the legal Aid Service providers offer services not in form of cash, accommodation, necessity, to some extent these may hinder access to justice to poor persons who cannot afford transport, food, medical care, accommodation and so on while away from home to the centre

For example

“In a family issue were a house wife with children have been forced to vacate the house by her husband, how do you expect unworking house wife, homeless to take care of the children in that period while following up her matter without support”

Thus all legal Aid service providers should come up with strategic plan, measures to deal with all a like such circumstances in that in a situation which warrants the legal service providers to provide beyond what is set up to ensure that justice is not endangered an example justice centres Uganda does not provide accommodation to clients and you may find a client come from a very far place is stuck at the centre yet the problem cannot be solved in a single day thus too costly for the poor to maintain.

4.3.4 Most pro bono service providers they base on what it is termed as means and merit test system as the first criteria for the client to be admitted through interviewing them, through these questions the centre can detect that a person before them is an indigent and vulnerable person who deserves their services,

This system enables the poor to access justice, to some extent it denies other left out category of people to access justice reason being that though they may have money to support them but to certain extend they may have failed to access justice due to different reasons for example where the other side corrupted or bribed the judge or all his/her lawyers that is superior or rich men has a saying that goes

“Why should I bother with a lawyer yet I can buy the judge”

That is total denial of justice, therefore a need for strategic plan/measure to cater for the left out person where they see that justice warrants in order to promote the rule of law and ensure that justice is accessible regardless of status, position, age, sex, colour, tribe, religion and so far.

Similarly the law requires that suspects to be changed with 48 hours of arrest but suspects are held frequently longer if the case is presented to the court before the expiration of this period, there is no limit on pre trial detention.

4.4 Presentation of findings

The finding from the field indicates that government has several institutions working directly or indirectly to provide legal support services to the indigents.

4.4.1 Uganda Human Right Commission

UHRC is established under Article 51 (1) of the Constitution of the Republic of Uganda 1995 and by Uganda Human Right Commission Act No 4 1997

It has the power of the court provided for under Article 53 (1) of the Constitution to summon any person to attend before it and produce any document relevant for investigation by commission.

UHRC has put in place five directorates of particular interest that is directorate complaints, investigation, legal services, directorate of regional services, though UHRC has done a great role in enabling the poor to access justice on different ways, there still a number of cases that

reportedly could not proceed due to lack of affordable medical facilities and personnel to carryout medical examinations during the investigation process.

The efforts of the commission were reported to be mostly frustrated by the increasingly corrupted and weakening judicial system.

Although the UHRC mainly handles cases of human rights violation and abuse, it usually intervenes in other matters due to a non functional court system at the division sub-county level.

4.4.2 Director of Public Prosecution

The office of DPP is established under Article 120 (1) of the Constitution to prosecute all criminal matter or cases in the country on behalf of the state the office is controlled by director who is an independent statutory officer appointed by the executive.

Director makes prosecutorial decisions on professional basis independent of political influence or control.

Director and Attorney General to consult with each other if required, concerning the function and powers of the Director the Act ensures that the Directors prosecuting role is independent of the police and other investigative agencies, once a prosecution has been institute all prosecutorial decisions are made by the Director the principle duty of the DPP is to institute and conduct prosecutions, to institute assets used in or derived from the commission of criminal offences to provide advise to police and other investigation agencies.

In prosecuting matters, Director acts on behalf of the community, it has been said that the prosecutors must always act with fairness and detachment with the objective of establishment the whole truth and ensuring a fair trial.

Although the office doesnt have clients as such, in performing its functions the office works closely with the courts, the legal profession, police and other investigators, victim representatives and other government agencies.

D.P.P must also ensure that appropriate consideration is given to the concerns of victims of crime.

The findings shows that performance of the DPP is relatively good although in some districts issues of bribery, corruption and incompetence were reported.

The Resident State Attorney in Buganda Road Court noted that the town communities are mostly made up of semi-urban populations and a number of victims are from the hard to reach areas like Ndalike, Nakabale, this implies that following up cases through the court process is costly it this costly to transport witness, court fee and the time may not be convenient to such a pleasantly population.

4.5 Non Government Service Provision

Although various non-government service have tried to improve on the service delivery towards the legal needs of the vulnerable and marginalized group there is a major gap of most providers concentrating their efforts urban centres, therefore interventions are not adequately spread out to reach all division sub county levels in almost all the districts visited.

In many instances the most vulnerable groups are not helped since they lack adequate capacity to access these programmes.

4.5.1 Profession-related and membership based organizations.

These mainly include professional bodies like Uganda law society, the Uganda Christian lawyers fraternity, the journalists union, the federation of Uganda women lawyers.

FIDA, Uganda paralegals society. Most of these organizations not only focus on issues that directly affect their membership but also engage in broad issues of democratization and governance.

They apply pressure on government or individuals with regard to human rights. Some of them complement the work of government by filling several service gaps in the interest of indigent persons, they also give professional analyses and positively critique the excesses of the state.

However it was noted that they also faced with numerous challenges as mentioned by a legal officer at justice centres in Kampala.

“Clients have high expectations and this poses problem since the mandate of most organizations is restricted to legal issues of a specific type yet still many clients also expect subsidiary support towards their subsistence”

4.5.2 Community support and Development Organizations

These have mostly focused on the field of health, education, legal expertise, social welfare or to boost income generation and poverty alleviation, for example are, world vision, plan international, CARE international, Oxfam and ACCORD.

Most of these are intermediaries in assisting the poor, others offering legal assistance to indigents include the Foundation for Human Rights Initiative, the Refugee Law Project, these organizations are perceived to have several advantages over government in terms of efficiency when providing service to communities as also reiterated by many scholars.

“They are more likely to have detailed knowledge about their communities and in many instances a capacity both to represent and to empower poorer groups in the society”

4.5.3 Advocacy and Human Right Groups

Most of community based organizations in the country work in the field of legal awareness and advocacy for human rights. They focus on issues of civil and political rights as well as economic, social and cultural rights.

However, there seems to be an uncoordinated advocacy effort for those who share similar objectives and roles. There is little combined effort among these organizations.

4.5.4 District Net works and Ngo Forums

NGOs have attempted to develop linkages and networks to improve their influence on the state, the potential of these networks is at times underutilized in most regions of the country, the mapping exercise revealed that there was little evidence of actual coordination among service providers. Many of the organizations prefer to keep their issues to themselves instead of broadening their impact through working together. It is believed by many project directors that the umbrella kind of networking may sometimes lead to loosing external funding for the single organizations together with their identity.