



LEGAL AID PRACTITIONERS MANUAL



LASPNET
LEGAL AID SERVICE PROVIDERS' NETWORK

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ACRONYMS AND ABBREVIATIONS

ACHPR	African Commission on Human and People's Rights
ADR	Alternative Dispute Resolution
APP	African Prisons Project
ASF	Avocats Sans Frontières
ASO	After-Care Successful Outcome
CAT	Convention against Torture
CBA	Cost Benefit Analysis
CBV	Community Based Volunteers (ULS)
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CLV	Community Legal Volunteers (FIDA)
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
DGF	Democratic Governance Facility
FIDA	Uganda Association of Women Lawyers
HIV	Human Immuno-deficiency Virus
HURIFO	Human Rights Focus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICMS	Information Case Management System
IIMS	Integrated Information Management System
IJM	International Justice Mission
IPV	Intimate Partner Violence
JCU	Justice Centres Uganda
JLOS	Justice, Law and Order Sector
KIIs	Key Informant Interviews
KPPs	Key and Priority Populations
LAC	Legal Aid Clinic (under Law Development Centre)
LAP	Legal Aid Project (under Uganda Law Society)
LASP	Legal Aid Service Provider
LASPNET	Legal Aid Service Providers' Network
LC	Local Council
LCCs	Local Council Courts
LDC	Law Development Centre
MCJL	Muslim Center for Justice and Law
MDAs	Ministries, Departments and Agencies

MGLSD	Ministry of Gender, Labour and Social Development
MMT	Means and Merits Test
NGO	Non-Governmental Organisation
OVC	Orphans and Vulnerable Children
PAS	Paralegal Advisory Services
PC	Practicing Certificate
PEP	Post-exposure Prophylaxis
PIL	Public Interest Litigation
RLP	Refugee Law Project
TJP	Transitional Justice Policy
ULC	Uganda Law Council
ULS	Uganda Law Society
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
UPDF	Uganda People's Defence Force
UPS	Uganda Prisons Service
URSB	Uganda Registration Services Bureau
USAID	United States Agency for International Development
YAWE	Youth and Women's Empowerment Foundation



FOREWORD

In the absence of State-funded legal aid, legal aid services in Uganda are mainly provided by non-State actors who are usually established to provide legal aid to vulnerable groups of people. Under the Advocates (Legal Aid to Indigent Persons) Regulations, 2007, the Uganda Law Council is mandated to regulate legal aid services by ensuring that LASPs observe the minimum acceptable standards while delivering legal aid. However, due to resource constraints, the Law Council has not been able to effectively perform its regulatory function. This has therefore compromised the service standards in the legal aid sector.

Based on the above, the LASPNET Legal Aid Practitioners Manual will help in closing the standardization gap in legal aid service delivery. The Manual demystifies the comprehensive legal framework on legal aid, as well as the dos and don'ts and best practices in the provision of legal aid. The process of producing this Manual has been very rigorous, involving validation and pretesting exercises by the stakeholders hence qualifying it as trustable reference document. I therefore, have no doubt that this Manual will help to empower Legal Aid Practitioners as they execute their role.

Finally, it is my appeal that all LASPs sufficiently utilize this Manual and integrate it into trainings for LASP advocates and paralegals.

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Ms. Sandra Oryema

Chairperson, Board of Directors

ACKNOWLEDGEMENTS

One of LASPNET’s core mandates is to undertake evidence-based research aimed at providing timely information that can be utilised by stakeholders to inform decision making and improve service standards. Over time, the Network has developed several Manuals and Service protocols such as the M&E Training of Trainers; the Paralegal Manual; the Whistle-blower Manual and the Child Legal Aid Manual.

This Legal Aid Practitioners Manual is yet another resourceful document developed by LASPNET, with support from the Democratic Governance Facility (DGF) under the Programme entitled: “To Strengthen Collaborative Advocacy Platforms to Enhance Rule of Law, Legal Aid and Access to Justice for the Poor, Vulnerable and Marginalized in Uganda.” I am very confident that this Manual will contribute towards improved service delivery in the provision of Legal aid.

The Manual has been developed for LASPNET and legal aid service Providers by Pro Initiatives Agency, specifically Ms. Evelyn Zake, Ms. Sylvie Namwase and Ms. Laura Nyirinkindi. Special thanks go to the leadership

LASPNET gratefully acknowledges the role of the Legal Aid Service Providers (LASPs) and Justice, Law and Order (JLOS) institutions in shaping the final outcome of the Manual during the Validation Workshop, held in December 2019.

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Dr. Sylvia N Mukasa
Chief Executive Officer

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Section 1: Introduction

1.1 About the Manual

The Legal Aid Service Providers' Network in Uganda (LASPNET) is currently implementing a Democratic Governance Facility (DGF) funded Programme entitled: "To Strengthen Collaborative Advocacy Platforms to Enhance Rule of Law, Legal Aid and Access to Justice for the Poor, Vulnerable and Marginalized in Uganda." Under this programme, LASPNET has developed a Legal Aid Practitioners' Manual aimed at standardizing legal aid service delivery among Legal Aid Service Providers (LASPs). The abject lack of funding in the legal aid sector, the lack of strong enforcement mechanisms to effect the laws, regulations and policies in the area and the relative constraints of the Uganda Law Council in carrying out its mandate to standardise LASPs has created a sizeable gap in the justice sector.

This Manual provides guidelines on effective handling of clients and how to generally establish and operationalise a legal aid office which includes: client reception and care; techniques of conducting effective client interviews, evidence gathering, mediation and or litigation preparation and case management, including inter alia client engagement and feedback mechanisms.

This Manual can also be used as a reference tool to guide legal aid practitioners in the provision of legal aid service in line with the practice rules, regulations and guidelines provided by the Government of the Republic of Uganda and the Uganda Law Council, as well as current global trends in legal aid service provision. The Manual covers aspects which include among others; the legal and policy framework on legal aid, international best practices of legal aid, legal aid models, office and client management, referral, basic information on Alternative Dispute Resolution (ADR); comprehensive legal aid service delivery; ethical standards ("dos and don'ts") to be adhered to by LASPs in the provision of legal aid, among others.

The overall purpose of this Manual is to contribute to the strengthening of the rule of law in Uganda, to improve the quality of legal aid services available to the poor, vulnerable and marginalized and to increase awareness of good practices in practitioners' line of work. The Manual is responsive to and reflective of the issues and opportunities in the field and is indicative of progressive global developments on the access to justice frontier.

1.2 About LASPNET

The Legal Aid Service Providers Network (LASPNET) is a national member-based non-governmental organisation established in 2004 to provide strategic linkages and a collaborative platform for legal aid service providers (LASPs) in Uganda. The network maintains a common front to interface with the Justice Law and Order Sector on issues of access to justice and the rule of law. It targets three critical aspects of coordination: bringing together different LASPs for solidarity in strategizing, sharing lessons and experiences, while minimizing duplication; capacitating them through collaborative research and analysis; as well as documenting, providing feedback, and amplifying their voice on key issues regarding access to justice/legal aid at regional, national or international level.

1.3 Why is this Manual Necessary in Uganda?

1.3.1 The Unmet Need for Legal Aid Services

There is an unmet need for legal aid services in Uganda given the high levels of poverty and the thin distribution of legal practitioners and legal aid service providers (LASPs) particularly in rural and peri-urban parts of the country. Based on 2016/17 estimations, 21.4% of Ugandans, corresponding to nearly 8 million persons, are poor. Of these, 25% reside in rural areas and contribute to 89% of national poverty, while 24% reside in urban areas and contribute 11% to the national poverty (UBOS 2018, 40).

Legal aid allows the vulnerable and marginalised to access legal services that would otherwise be unaffordable. Given the link between vulnerability and access to justice, legal aid is a critical tool for the empowerment of marginalised and vulnerable persons. Despite this, about 84% of the population in Uganda (over 24 million people) lack adequate access to lawyers (JLOS 2012, 10). The Uganda National Governance Baseline Survey 2014 rated people's awareness of the free

legal aid services available in their sub-counties at only 9%, and only 18% of Ugandans were receiving legal aid services annually by close of 2015. These figures illustrate the extent to which the need for legal aid services, although imperative, is unmet across the country.

In addition, a weak regulatory framework has greatly compromised the standard and quality of legal aid service provision by LASPs. Whereas there are a variety of laws on the provision of legal aid in Uganda, these regulations exist without a standard National Legal Aid Policy and law. The result of this is a patchwork of services provided by wide ranging State and Non-State actors, who sometimes apply ad hoc standards and procedures in the course of their work. While the Uganda Law Council (ULC) has the mandate to accredit and supervise all LASPs, it does not have the capacity to enforce desired legal aid service standards. LASPs are required to maintain clients' files, capturing all data that is relevant to the case and in proper condition; provide accessible legal aid services; assure clients of confidentiality; ensure supervision of paralegals and all staff providing legal aid services; and ensure that services offered are at the level of those offered in law chambers, among other requirements. Unfortunately, many LASPs do not meet these standards and some operate without qualified or experienced legal staff. It should also be noted that owing to limited finances and skills, many LASPs lack a holistic approach to legal aid service provision (LASPNET 2015).

In order for legal aid to serve all of its purposes effectively, a Legal Aid Manual would function as a consolidated reference point for the principles embedded in the various laws on legal aid service provision. This would facilitate LASPs to streamline their practices in accordance with the established norms and standards, as well as with recommended good practices. A Legal Aid Practitioners Manual is also necessary as a stop-gap measure, pending the adoption of a National Legal Aid Policy and the passing of a law to streamline and regulate legal aid services in Uganda.

1.3.2

Need to Capture Context Specific Challenges and Emerging Best Practices

There are emerging challenges for LASPs working in new contexts and with vulnerable groups such as those in post conflict societies, refugee settlements, Internally Displaced Persons (IDPs), victims of trafficking, victims of environmental and development injustice among others. These present unique complexities for legal aid service provision in Uganda. The absence of a standard framework that capture these challenges, the emerging international best practices around them, and relevant training references warrants the creation of a Legal Aid Practitioners Manual which attempts to fill this gap.

1.4 Scope and Methodology used in the Development of the Manual

The development of the Manual involved a comprehensive desk review of legal aid service provision in various contexts, nationally and internationally, as well as a fieldwork component to establish the best practices in legal aid service provision across the country. Major LASPs in Fort Portal, Gulu and Kampala were contacted to be key informants in the field study. Efforts were made to ensure that selected LASPs were representative of expertise in legal service provision to various groups of indigent persons and vulnerable groups. The Fieldwork stage involved the preparation of questionnaires (refer to Appendix) and data capture tools for key informant interviews, including bio data forms, release forms, informational one-pagers and options for follow-up in case of any further questions from selected LASPs. The final stage involved critical study of the data collected from Key Informant Interviews (KIIs), including a trends analysis and a compilation of common practices and dos and don'ts in the delivery of legal aid to indigent and vulnerable persons.

1.5 Structure and Guide on How to use the Manual

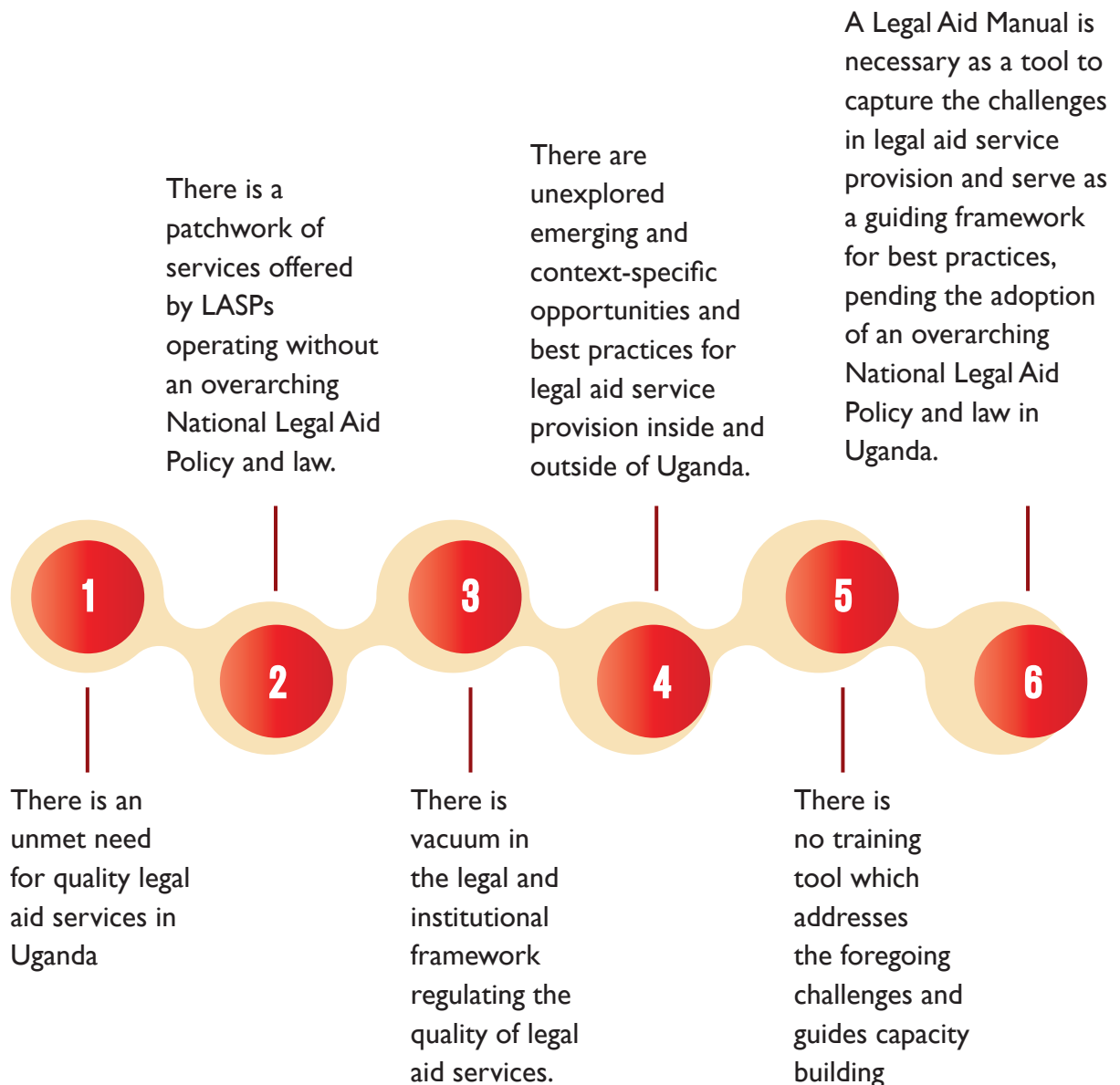
This Manual is intended for use by LASPs, Government Ministries, Departments and Agencies (MDAs), stakeholders in the legal aid referral pathway and other groups or individuals seeking to promote access to justice in Uganda. It may be used as a day-to-day reference Manual on the dos and don'ts of legal aid service and can provide a guide on workable ways to improve legal aid services in line with best practices in Uganda and beyond.

The Manual has been put together in a user-friendly format with large font, illustrations and references to additional materials where LASPs can obtain additional information. The Manual is divided into seven Sections. Sections 1-5 elaborate on the present the regulatory and normative framework of legal aid service provision while Section 6 presents various checklists for legal aid service providers in the delivery of effective services. Section 7 is the Appendix. Within each Section are subsections that address various thematic issues pertaining to legal aid. Sections 1 – 5 conclude with 'Key Messages' that summarise the main takeaway points.

Section 1 outlines what the Manual is about, why it is necessary and how to use it. Section 2 outlines what legal aid is, the regulatory framework for legal aid in Uganda and the importance of a human rights based approach to legal aid service provision and access to justice. Section 3 outlines the various legal aid service models, identifies key LASP actors and elaborates on what LASPs do. Section 4 discusses legal aid services for vulnerable groups and why legal aid matters. Section 5 explores legal aid in specialised contexts while Section 6 addresses the practical "dos and don'ts" in the management

and administration of legal aid. In the Appendix (Section 7) are lists of laws, regulations and additional materials to help LASPs in their work. Organisations using the Manual should feel free to adapt its content to the needs and circumstances of their target groups, as well as in the induction, training and retraining of new staff.

1.6 Key Messages



2 Section 2: Legal, Institutional and Normative Framework for Legal Aid Service Provision

2.1 What is Legal Aid?

Legal aid involves the provision of free legal services for the poor and vulnerable or where necessary, at a minimal cost. Under the draft National Legal Aid Policy, legal aid extends beyond representation by a lawyer in a court to include legal advice and assistance on both civil and criminal matters and is a right of every Ugandan citizen (JLOS 2012: 4, 36). Accordingly, legal aid under the Draft Policy includes any of the following services provided by advocates, non-lawyers (i.e. bar training course students under the supervision of an advocate, law graduates awaiting enrolment), law clinic students and accredited paralegals:

- 1 Dissemination of information about the relevant laws in Uganda and the various methods of enforcing and exercising the rights, duties and obligations held by persons under the law;
- 2 Assistance with alternative resolution of disputes such as: negotiation, mediation, conciliation and arbitration;
- 3 Advice on legal issues;
- 4 Assistance with drafting legal documents such as wills, land titles, etc.;
- 5 Referral of people to lawyers qualified to provide legal representation;
- 6 In appropriate cases, referring people to relevant State and private organizations and institutions for assistance;
- 7 In appropriate cases, diverting people from the formal justice system to traditional, faith-based and other dispute resolution mechanisms;
- 8 Conducting research, advocacy, lobbying, legal awareness and training in order to empower indigent persons in Uganda to access justice and legal services; and
- 9 Doing such other things that do not constitute legal representation or are not in conflict with the provisions of the Advocates (Amendment) Act 2002.



In the draft legal aid policy it is observed that:

Box 1: Extract from Draft Legal Aid Policy, 2012

‘...As in health matters and the provision of primary health care, the justice needs of people are simple and basic. They do not distinguish between whether a matter is criminal or civil in nature. They want harmony restored within the community so that they can proceed with other aspects of their lives. They need information about laws and procedures, advice and assistance on how to apply them or where to go, counselling as to their available choices, access to alternative dispute resolution instead of the courts and referral to other appropriate service providers.’ (JLOS 2012, 11)

This broad understanding of legal aid under the Draft National Legal Aid Policy is a progressive shift towards a more inclusive framework that incorporates regional and international standards of legal aid service provision, as discussed below.

2.2 National Legal Aid Regulatory Framework

Constitution of the Republic of Uganda, 1995

Article 28 (3) (e) of the Constitution of the Republic of Uganda, 1995 specifically provides that:

Box 2: Article 28 of the 1995 Constitution of the Republic of Uganda

“Every person who is charged with a criminal offence shall in the case of any offence which carries a sentence of death or imprisonment for life be entitled to legal representation at the expense of the State...”

Although initially narrow, various laws and policies have been promulgated that expand the ambit of legal aid service as embedded in the Constitution; these laws have been explored herein and have largely increased the understanding of the need for legal aid to indigent persons. As already indicated above, the Draft National Legal Aid Policy departs from the restrictive understanding of legal aid as solely comprising court representation in capital offences to one that embraces

regional and international human rights standards and norms. One instrument to note is The Lilongwe Declaration on Accessing Legal Aid in Criminal Justice Systems in Africa, 2004 which broadens the meaning of Legal Aid to include 'legal advice, assistance, representation, education, and mechanisms for alternative dispute resolution.' Other similarly progressive frameworks are listed under Section 2.3 below.

Poor Persons Defence Act, (Cap 20)

The Poor Persons Defence Act, 1998 provides for the defence of poor persons committed for trial before the High Court, and therefore prioritises legal aid in criminal matters. No provisions are made for those being tried in lower courts or those whose cases are on appeal. The Act further provides for legal aid only where: '...it appears for any reason that this is desirable, in the interests of justice, that a prisoner should have legal aid in the preparation and conduct of his or her defence at trial, and that the means of the prisoner are insufficient to enable him to obtain such aid.'

Advocates (Legal Aid Services to Indigent Persons) Regulations, No. 12 of 2007

The 2007 Regulations were passed to regulate and ensure the efficiency, quality and effectiveness of legal aid service delivery in the country. The Regulations provide a fairly broad understanding of legal aid as legal advice or representation by a lawyer, an advocate or a paralegal, as the case may be, to a client at no cost or at a very minimal cost. The Regulations aim to ensure legal aid service delivery in a 'professional and ethical manner' and provide that legal aid shall include; a) legal advice; b) representation in court or tribunal in civil, Constitutional or criminal matters; mediation, negotiation or arbitration as well as legal education or awareness. The Regulations also establish objective criteria for LASPs to follow when considering applications for legal aid.

Advocates (Amendment) Act, 27 of 2002

The 2002 Act was enacted to amend the Advocates Act, 1970 and 'to provide for easier access to the Uganda Bar both in terms of required qualifications for entry and procedures, to create a Committee for Legal Education and Training to supervise and control professional legal education; to revise sanctions and penalties; and to provide for other related matters.' The Act makes it mandatory for lawyers to provide pro bono legal services to indigent persons in Uganda.

Advocates (Pro bono Services to Indigent Persons) Regulations No. 39 of 2009

The 2009 Act sets a minimum of forty (40) hours of pro bono services per lawyer, per year to increase legal aid service provision to poor and indigent persons. Advocates who cannot make the forty hour requirement must make a payment. Regulation 3(2) thereof stipulates that pro bono services include ‘giving advice or providing representation to indigent persons; (b) involvement in free community legal education; (c) involvement in giving free legal advice or representation to a charitable or community organisation or to a client of such an organisation’ across a wide range of legal areas (see Regulation 3(3)(a) to 3(3)(o)).

The Law Development Centre Act, Cap. 132

The Law Development Centre Act, 1970 establishes the Law Development Centre (LDC) which is charged with ‘organising and conducting courses of instruction for the acquisition of legal knowledge, professional skill and experience by persons intending to practice as attorneys in subjects which shall have been determined by the Law Council under the provisions of any law in force.’ LDC runs and operates the Legal Aid Clinic (LAC) that allows post graduate bar students to provide legal aid to indigent persons and petty offenders.

Advocates (Student Practice) Regulations SI 70 of 2004.

The Advocates (Student Practice) Regulations, 2004 allow law students to prepare pleadings, briefs, abstracts and other documentation for matters in which the student is eligible to appear. Under the 2004 Regulations, students must hold a Bachelor of Laws degree from a recognised university and must be enrolled in a post graduate law school or institution at the time of participation in legal proceedings. Under these Regulations, students are not eligible for compensation or remuneration of any kind for their services, and all documentation that they prepare must be signed by a supervising lawyer.

2.3 Regional Legal Aid Regulatory Framework

Uganda has ratified and participated in the formulation of key regional and international human rights instruments which contain specific rights that are rooted in access to legal aid by the majority of its population. These rights and accompanying principles include, but are not limited to, the right to a fair trial, equality before the law, non-discrimination, dignity and access to justice as listed in some key instruments below.

African (Banjul) Charter on Human and People's Rights:

Article 7 of the Charter addresses the right to fair trial, right of appeal, presumption of innocence, right to legal defence by a counsel of one's choice, right to be tried within reasonable time.

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

Article 8 of the Protocol addresses access to justice and equal protection before the law, equal protection and benefit of the law, access by women to judicial and legal services, including legal aid.

The African Union Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa

The Principles discuss the inalienability of the right to a fair trial and present the essential elements of a fair trial including; equality of arms between the parties to proceedings, whether they be administrative, civil, criminal, or military; the right to defend one's self and the right to consult a lawyer of one's choice; and the equality of all persons before any judicial body without discrimination.

Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa

The Declaration finds that legal aid includes legal advice, assistance, representation, education, and mechanisms for alternative dispute resolution. Further, the Declaration lists a wide range of stakeholders in the provision of legal aid, including Non-Governmental Organisations (NGOs), community-based organizations, religious and non-religious charitable organizations, professional bodies and associations, as well as academic institutions.

Resolution on the Right to a Fair Trial and Legal Assistance in Africa - The Dakar Declaration and Resolution of 1999

The Dakar Declaration establishes that the right to a fair trial can only be fully respected in an environment in which there is respect for the rule of law and fundamental rights and freedoms. The rule of law includes the existence of fully accountable political institutions.

2.4 International Legal Aid Regulatory Framework

International Covenant on Civil and Political Rights (ICCPR)

Article 14 of the Covenant protects the right of accused persons to legal aid and State funded counsel.

Convention on the Rights of the Child (CRC)

The CRC guarantees the rights of children deprived of liberty to timely access to legal assistance, as well as other appropriate measures in the preparation and presentation of their defence.

United Nations Convention on the Status of Refugees

Article 16 (2) of the Convention guarantees refugees' rights to the same treatment as nationals in accessing national courts, tribunals and legal assistance.

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

Article 2(c) of CEDAW protects women's rights to legal protection on an equal basis with men. Other instruments and relevant documents to note include:

01

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

02

United Nations Standard Minimum Rules on the Administration of Juvenile Justice

03

Committee on the Elimination of Discrimination against Women, General recommendation on women's access to justice (General Comment No.33)

04

United Nations Basic Principles on the Role of Lawyers

05

United Nations Body of Principles for the protection of all people under any form of detention or imprisonment

07

The Kyiv Declaration on the Right to Legal Aid Conference on the Protection and Promotion of Human Rights through Provision of Legal Services, 2007

06

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

A full list of applicable frameworks is contained in the Appendix under Section 7 of this Manual.

2.5

Legal Aid Service as Access to Justice: A Human Rights-Based Approach

‘Access to justice’ has been defined as a process through which individuals can claim and obtain remedies through formal and informal institutions of justice, in conformity with human rights standards. Holistically understood, access to justice entails contact, entry and use of the justice system and should be viewed from the justice seeker’s point of view (LASPNET 2015, 33; UNDP 2005). The foregoing frameworks confirm that under the criminal justice process, legal aid is recognised as a fulfilment of the right to a fair trial which is buttressed by the fundamental principle of presumption of innocence (UNODC 2019, 2). Legal aid is also a foundation for the enjoyment of other rights (UNODC 2013, 5). In a broader application therefore, legal aid service provision is part of a comprehensive approach to access to justice and protection of human rights.

Under this approach, State and non-state actors provide legal aid for criminal, civil and administrative matters. They deal with entrenched structural exclusions and legal grievances affecting poor and marginalized people. These may include issues on property rights, labour rights, and environmental rights, registering identity or births, navigating state bureaucracies, accessing basic services, such as health, education, social welfare from the state administration, access to information, among others. Human rights based approaches to improving access to justice understand that legal aid is not confined to the formal justice system in pursuit of remedies for law related grievances or due process. Rather, it is recognised as an integral part of empowering the poor, marginalised and vulnerable; access to legal aid ensures that State provisions, remedies and policies are not illusory, but reach those individuals that might ordinarily not have access to these crucial services.¹

¹ Airey v Ireland 32 Eur Ct Ser A (1979); (1979) 2 E.H.R.R. 305. Also see UNDP 2016, 16-17.

2.6

Key Messages

08

The right to legal representation is guaranteed by various international human rights instruments at the national, regional and international level.

09

Uganda's legal and institutional framework on legal aid contains a diversity of laws and regulations on the provision of legal aid, which is integral to the enjoyment of human rights and access to justice.

10

Some of the key national frameworks have outlined the usefulness and importance of legal aid services for the promotion and protection of the rights of the vulnerable and marginalised.

11

Legal aid extends beyond court-based remedies to include outreach, dissemination of information, administrative, medical, psychosocial, and other interventions by LASPs.

3

Section 3: Legal Aid Service Providers and Models

3.1. Who are the Actors Involved in Legal Aid Service? —●

There is no one single model for legal aid service provision. States adopt various models for legal aid delivery according to their unique capacities and needs. Uganda has adopted the following which can be categorised under state and non-state legal aid service models:

- 12 *State Briefs Scheme*
- 13 *Pro bono Scheme (ULS)*
- 14 *Justice Centres Uganda (JCU)*
- 15 *Legal aid by the Uganda Human Rights Commission*
- 16 *Paralegals trained by CSOs/LASPs*
- 17 *Legal Clinics by LASPs and CSOs*
- 18 *Legal Aid Clinic of the Law Development Centre*
- 19 *Fit Persons under the Children Act (Amended) 2016*
- 20 *Uganda People's Defence Forces and Court Martial Courts*
- 20 *The Judiciary.*

Other legal aid service models not operational in Uganda include the use of public defenders and legal aid through cooperation agreements between the State and Non-State legal aid service providers.

3.2. State Models of Legal Aid Service Delivery

The State has a primary responsibility to provide legal aid services in the criminal justice system. States' obligations also extend beyond the criminal justice system to the overall mandate to create environments which support legal aid service provision in all justice systems. Therefore they must formulate legal aid policies, enact relevant laws and establish independent legal aid institutions which are accountable to Parliament and safe from interference by the Executive (UNODC 2011, 11-12). In Uganda, the State provides legal aid through a State Briefs Scheme, lawyers' Pro bono services, Justice Centres and the Uganda Human Rights Commission.

State Briefs Scheme

The State Briefs Scheme was put in place to meet the Government's obligation under Article 28 of the 1995 Constitution of the Republic of Uganda to provide legal representation to persons accused of capital offences. The scheme is operated by the Judiciary, which receives funding for the Scheme as part of its budget for each financial year. The Judiciary disburses funds for the State Briefs as part of the monetary allocation for Court Sessions. The Court is then able to estimate the number of state briefs required per session when cases come up for mention. Based on this, the Court Registrar can then invite advocates to participate in state briefs. Judges determine the remuneration for the advocates, taking into consideration the complexity of the case and the duration of proceedings. In any event, remuneration does not exceed 1,000,000/= Shs. (One million Ugandan shillings).

Justice Centres Uganda

Justice Centres Uganda (JCU) is a JLOS programme hosted within the Judiciary to provide legal aid services to the poor and marginalised. JCU was adopted to guarantee the provision of legal aid services in civil and criminal cases and to serve as a 'one-stop' legal aid service centre for all indigent persons. JCU is also meant to provide the Government with lessons on what the ideal framework for a comprehensive State-funded legal aid service would look like under a Legal Aid Policy. Justice Centres Uganda operates along three major lines; the delivery of legal aid through legal aid clinics, community outreach, and human rights advocacy. The required staffing for Justice Centres includes lawyers, paralegals and personnel trained in the provision of psychosocial services.

Uganda Law Council – Pro Bono Scheme

In some jurisdictions, lawyers may be required to provide pro bono legal services. In Uganda, the Uganda Law Council is the regulatory body for Advocates and legal aid service providers. The Law Council derives its mandate from the Advocates (Amendment) Act, 27 of 2002 which empowers it to exercise general supervision and control over the provision of legal aid and advice to indigent persons. As a condition for renewing lawyers' practising certificates, the Uganda Law Council requires that advocates demonstrate provision of pro bono services to indigent persons or make a payment in lieu of the service. Every Advocate is required to provide 40 hours free legal services per year under the scheme or face a fine of UGX 400,000; or withdrawal of their practicing certificate.

Uganda Human Rights Commission

The Uganda Human Rights Commission (UHRC) was established under the 1995 Constitution of Uganda with a constitutional mandate to investigate human rights violations on its own initiative or upon receiving a complaint. It has powers to adjudicate these complaints and issue binding and enforceable decisions. UHRC also provides legal advice, conducts mediation, prison visits and outreach programmes with a view to fostering the protection of human rights. It also has a Vulnerable Persons Unit to cater specifically to the rights of vulnerable groups including women and children. UHRC offers its services at no fee.

The Judiciary

Some non-represented litigants are assisted by judicial officers in court proceedings. In small claims procedures where representation by an advocate is not required, registrars and court clerks assist claimants in their matters, as and when necessary.

3.3. Non-State Legal Aid Service Models

Uganda Law Society's Legal Aid Project

The Uganda Law Society (ULS) is a membership organisation of lawyers qualified to practise law in Uganda. ULS established its Legal Aid Project (LAP) in 1992 with the objective of providing high quality legal aid services to the indigent persons in Uganda, among other key objectives. The project provides free legal representation in Courts of law, legal advice, mediation and counselling, dissemination through legal and human rights awareness campaigns and conducts prison outreaches and visits. The Uganda Law Society also assists the Uganda Law Council with implementing the pro bono scheme through the coordination of its members.

Law Students: Universities and Law Clinics

Many universities teaching law in Africa are introducing practical legal training. Through this they have established legal aid clinics where law students can use their skills to offer legal aid to the vulnerable in their communities. It has been recognised that Law students are a valuable yet under-utilised resource in Africa particularly because they offer free legal services while using the opportunity to garner practical experience for themselves. This can be seen under the Public Interest Law Clinic (PILAC) and Law Development Centre's Legal Aid Clinic (LDC-LAC) models of legal aid service provision.

Box 3: Legal Aid Service Provision by Students

1. In South Africa, approximately 3,000 law graduates are produced annually from law schools. It is estimated that if each final-year law student covered only 10 criminal cases a year in the district courts, this could provide criminal defences for 30,000 accused persons annually (UNOCD 2011, 29). In Uganda, the Legal Aid Clinic of the Law Development Centre provides a law school clinic model of service delivery where post-graduate Bar course students and legal interns working at the Clinic can provide legal aid to indigent juvenile offenders by representing them in Magistrates Courts under guidance and supervision of a senior practising lawyer. In 12 months between July 2010 and June 2011 the Centre registered over 2,000 cases, resolved over 1600 and referred just under 400. (LASPNET Annual report 2011). The School of Law at Makerere University has a Public Interest Law Clinic (PILAC) through which law students at the school offer free legal aid services to the communities near them during mobile legal aid clinic sessions.

Paralegals

The traditional providers of legal aid are lawyers. However, due to resource constraints, many jurisdictions recognise the role of paralegals in providing legal aid. A paralegal in Uganda is a person who, through training at LDC or other means, can provide legal advice and other forms of legal aid, but does not have the legal qualifications necessary to represent clients in court (JLOS 2015). Many LASPs deploy paralegals as 'foot soldiers' who help coordinate LASP activities at the community level. The Kampala Declaration on Community Paralegals, signed by multiple NGOs across Africa, recognizes the crucial role of paralegals in increasing access to justice and accountability on the continent. Uganda's Paralegal Advisory Services (PAS) has been working since 2005 to educate persons in conflict with the law and society at large on the criminal justice system as well as suspects and prisoners' rights. PAS assists on case follow up and disposal, and maintains communication between suspects and their families.

4: Paralegal Advisory Services (PAS)

2. In 2010, Uganda's Paralegal Advisory Services (PAS) facilitated the early release of 27,000 persons and contributed to the reduction of pre-trial detainees to 25% prisoners on remand compared to the over 75% rate where PAS does not operate (PAS Evaluation 2007-2010).

Independent Legal Aid Service Providers

Civil Society Organisations (CSOs) in Uganda play a major role in filling gaps left by state legal aid service delivery models. These range from gaps in geographical coverage, human resource capacity, technological advancement, emerging minority groups and contexts among others. In 2004, a group of civil society legal aid service providers formed the Legal Aid Service providers Network (LASPNET). The network is a membership based organisation which ensures standardised, effective and professional legal aid service provision in Uganda. It has established itself as an effective and trusted co-ordination mechanism and central repository of accurate information on legal aid in Uganda. LASPNET currently provides a coordinating role in over 80 districts, for a total of 55 NGOs and 7 honorary members, 12 of which have been certified by the Law Council. LASPNET members provide legal aid services to wide range of thematic areas targeting children, women, refugees, youths, persons living with HIV/AIDS, among others.

3.4. What do Legal Aid Service Providers (LASPs) do? —●

As illustrated above, a wide range of actors are involved in legal aid service provision, from State to Non-State actors and institutions, whose personnel include lawyers and advocates, paralegals, law students, psychosocial experts, and others. These actors have various capacities but might specialise in select thematic aspects of legal aid, since they may be limited by human and financial resources and capacities to cover all the regions of the country.

As such, it is critical that LASPs create referral networks through which they can collaborate to connect their clients to the wide range of services which can match their unique circumstances. For instance, while paralegals can offer basic legal advice, mediation and counselling, they would need to refer more complex cases to qualified lawyers whose expertise is reserved for court trial processes. On their part, lawyers may receive clients that need immediate attention that the lawyer cannot provide, and as such have to be referred to competent experts and stakeholders such as hospitals, psychosocial officers, law enforcement officials, and other relevant stakeholders, as the case may be. In general terms however, LASPs offer the following fundamental services:

Box 5: Services Provided by LASPs

1. Awareness raising on laws, rights, and how to claim them upon infringement
2. Access to justice institutions: both community-based (informal) and statutory (formal)
3. Information on the processes of administration of justice
4. Advocacy for inclusive laws, policies and institutions
5. Legal representation, advice and counselling before institutions of justice, law and order

3.4.1

Awareness of Laws, Rights, and How to Claim them Upon Infringement.

This is based on the fundamental principle that access to justice cannot be achieved without legal awareness among the citizens and different community populations. Most LASPs have outreach programmes through which they deploy creative and community sensitive methods to raise awareness on basic rights and obligations in law, e.g. through barazas, legal aid mobile clinics, community theatre and drama groups and human rights clubs, to name a few. LASPs also simplify and translate legal instruments into local dialects to bridge language gaps that often pose challenges to various communities' understanding of the law.

3.4.2

Access to Formal and Informal Justice Institutions

LASPs facilitate and empower marginalised individuals and groups to access formal justice institutions. In addition to legal representation, translation of legal proceedings and filling forms and lodging documents, some LASPs may offer transportation to clients to and from courts, police stations or prisons, offer food and accommodation and generally offer encouragement when clients feel harassed or afraid of the formal justice process. They also respond to marginalized communities' preference for community-based justice in simple disputes and minor criminal and civil cases. As such, they often rely on paralegals or community based volunteers who are co-opted from these local communities, to facilitate legal aid at these levels. They promote the diversion of cases from formal justice to community based systems, which helps with reducing court case backlog and prison congestion (UNDP 2016, 9).

3.4.3

Information on the Processes of Administration of Justice

LASPs ensure that clients' rights are protected during the administration of justice under both formal and informal justice structures. They facilitate dialogue with traditional leaders and other actors involved in the administration of traditional justice, to ensure that they harmonise their standards with human rights principles and national laws. LASPs also supplement formal justice mechanisms through training, mentorship and advice to ensure quality delivery of services and compliance with established justice procedures. They are also critical proponents of Alternative Dispute Resolution which is culturally familiar and close to traditional and community based understandings of justice (UNDP 2016, 9).

3.4.4

Advocacy for Inclusive Laws

LASPs recognise that, as marginalised and poor communities, their clients' challenges are rooted in structural systems of exclusion embedded in laws and policies which are made without their participation. As such, many LASPs have research and advocacy programmes aimed at influencing legal, policy and budget reforms in order to achieve more inclusive and just societies. They may employ social campaigns or use public interest litigation to achieve these goals.

3.4.5

Legal representation before institutions of justice, law and order

Under the Advocates (Legal Aid to Indigent Persons) Regulations, 2007, legal representation before court or tribunal in civil, constitutional or criminal matters is a crucial component in the delivery of legal aid services. Where mediation, reconciliation and alternative to dispute mechanisms fail, LASPs can enlist in-house advocates or, where a legal officer is not part of the LASPs's staffing, the services of external counsel to represent clients in court.

3.5. The Need for a Legal Aid Policy in Uganda

According to the 2016 HiiL Report, only 20% of Ugandans can afford the services of a private legal practitioner. This means that most of the population relies on the services of legal aid practitioners in resolving their legal matters. Despite the wide variety of LASPs and the services they offer in Uganda, the country still faces considerable gaps in legal aid service provision. Heavy dependence on donors by both State and Non-State actors limits the ability to direct legal aid services to priority areas and in line with national agendas. Funding restrictions also limit geographical coverage and extension of legal aid services.

Pro Bono services are dependent on the membership requirements of certain organisations and their mandatory nature is generally met with resistance from some lawyers. Moreover, the statutory 40 hour/year pro bono requirement per lawyer translates into less than one hour of pro bono services per week. This is inadequate considering the vast unmet need for legal aid in Uganda.

On its part, the State Brief Scheme also faces challenges. Anomalies in the way the scheme is implemented means that, in certain cases, lawyers appointed to act on state brief may not have the required skillset or experience to match the seriousness of the offence in issue. They are often appointed at court just before trial commences, and have no time to effectively prepare for the case. The meagre fees that lawyers are paid in remuneration are also a disincentive to good performance and effective engagement. More critically, the State Brief Scheme is limited in scope to trial proceedings for capital offences, thereby excluding persons accused of non-capital offences in lower courts as well as cases on appeal.

At the informal level, legal aid at the Local Council Courts sometimes suffers from the clash between cultural norms and human rights standards and poor record keeping and management which calls for extensive capacity building of actors involved in the justice system. Although trainings are held to build capacity within LCs, the high attrition rate of LC staff and the ever growing number of districts poses a strain on skilled human resource and threatens the sustainability of quality service provision.

Regarding institutional oversight, the Uganda Law Council, the institution mandated to regulate the provision of legal aid in Uganda, is housed under the Ministry of Justice and Constitutional Affairs. However, as indicated earlier, the recommended standard is for legal aid to be administered by an independent body that is free from the influence of the Executive.

The current landscape on legal aid in Uganda operates in a policy vacuum. It exists as a patchwork of services provided by donor dependent state and non-state actors with no independent centralised institutional oversight. The legal and institutional framework limits the scope of State-funded legal aid and contains gaps which may leave some of the most vulnerable outside the protection of the legal service system. For these reasons, a National Legal Aid Policy is necessary to act as a basis for a consolidated law on legal aid services which are accessible to all, affordable to the state and sustainable in the short and long term. The draft National Legal Aid Policy recommends the adoption by Uganda of a mixed model on legal aid. The model would utilise existing state and non-state legal aid service providers and would be implemented under the oversight of an independent national legal aid body that would be accountable to Parliament.

3.6. Key Messages

6. Over 80% of Ugandans cannot afford the services of a private legal aid practitioner.
7. There is no single model of legal aid service delivery. States adopt various models which suit their unique needs and capacities.
8. Even with many Non-State legal aid service providers, States have the primary responsibility to provide legal aid in criminal cases and to provide a conducive legal and policy framework for legal aid service delivery in all cases.
9. Actors offering legal aid need collaborative and referral networks to ensure effective service delivery.
10. LASPs play an essential role in empowering vulnerable individuals and communities to access formal and informal justice systems, receive fair treatment in the administration of justice and advocate for their rights and legal reforms.
11. Both state and non-state LASPs in Uganda operate in a policy vacuum and offer a patchwork of services with no standardized framework.
12. There is no independent oversight body to regulate LASPs in Uganda.
13. There is need for a Legal Aid Policy in Uganda to provide the basis for a consolidated institutional and legal framework on a mixed legal aid model that is accessible, affordable and sustainable.

4

Section 4: Legal Aid and Vulnerable Groups

4.1. Vulnerable Groups in Uganda

Vulnerability is a relative concept, and is thus challenging to define (LASPNET 2015a, 48). The 1995 Constitution identifies vulnerable groups requiring special legal protections as women, children, persons with disability and ‘minorities’, as well as groups that are marginalised on the basis of, age, disability or any other reason created by history, tradition or custom’ (Articles 32-36).

Marginalisation has been defined as a process through which certain groups are pushed or kept out of a system, or maintained in a peripheral or disadvantaged position within that system. This process might happen in line with written or unwritten policies or practices (LASPNET 2015a, 46). Vulnerable groups such as women and children, persons with disabilities, persons living with HIV/AIDS, economically marginalised and ethnic minorities face unique challenges which hinder them from accessing justice (UNODC 2011, 79). These groups experience many layers of exclusion including at the geographical, educational, economic, linguistic, social, political and cultural level, among others. As such, they require special attention in legal aid service provision. They are likely to live on the extreme edges of poverty in their communities with the fewest resources to manage socio-economic and cultural injustices involving land encroachment, property inheritance, domestic violence, matrimonial discord among other conflicts which form the bulk of civil cases in Uganda (Legal aid policy, 2012). They are also likely to view themselves as having no equal standing before the law as well as have no confidence in the justice system (LASPNET 2015a, 50).

The poor or indigent also form the bulk of the marginalised and vulnerable under the Advocates (Pro bono Services to Indigent Persons) Regulations (2009). The Regulations direct LASPs to consider various categories including the elderly, widows, orphans, children, persons with disabilities, internally displaced persons, people living with HIV/AIDS, prisoners on remand or refugees. They also ask LASPs to prioritise cases involving land disputes, inheritance and succession disputes, domestic violence, child maintenance and custody, torture and other forms of human rights abuse over other matters.

4.2. What Groups Face Access to Justice Barriers and Require Specialized Legal Aid?

4.2.1 Women

Women in Africa face a complex web of social economic and cultural barriers to accessing justice. These are compounded for women living in rural areas. Women in these contexts usually lack education, are geographically isolated from legal services and their mobility is confined to the needs of their families and communities. As such, they have limited access to resources and means to travel and may have to rely on relatives to do so (UNDP 2016, 67). In many cultures in Africa, women still cannot inherit their husbands' or parents' property. In some cultures, women once widowed are forced to depend on the relatives of their deceased husband ("inherited wives"). In some scenarios, widows may be forced into transactional sex in order to provide for their children (UNDP 2016, 66). Women also suffer cultural bias which underpins systemic discrimination in both customary and formal justice systems. Many times women face discrimination and re-victimisation when they come into contact with critical justice law and order sectors. For instance, in criminal cases, the police sometimes refuse to investigate reports of gender based violence against women on the basis that they are family matters (UNDP 2016, 67).

Box 6: Protecting Vulnerable Female Clients during Court Proceedings

I. In one incident during court proceedings, a magistrate reportedly reprimanded a woman for bringing domestic violence charges against her husband. LASPs should always intervene on behalf of women who have been insulted or disrespected during court proceedings by calling for a break in session to address the issue, as the case may be.

In sexual violence cases, women often remain silent in the face of family and societal pressures aimed at protecting social and cultural norms. In these cases, women fear to break social taboos or shame themselves and the perpetrator, and so many times sexual violence goes unreported. Where victims are from poor families, perpetrators often buy their silence by paying money to their families. In some cases (especially those involving defilement), victims may be forced to marry their abuser (UNDP 2016, 67). Where victims are brave enough to proceed to court, they are frustrated by the high fees charged for medical examinations, costs of attending court sessions, poor forensic evidence gathering processes, re-victimisation from having to recount

their traumatic experience without counselling or privacy, among other challenges. Without comprehensive legal aid support, many women in such situations often withdraw their cases, thereby entrenching a culture of silence and a cycle of violence (UNDP 2016, 67).

Legal aid targeted at women must be sensitive to the complexity of vulnerabilities they face and must address the discriminatory cultures embedded in the laws and institutions in the societies where they live. It often requires LASPs to collaborate closely with a wide network of stakeholders, including actors in the Justice, Law and Order Sector, psychosocial experts, traditional leaders, shelters, economic empowerment programmes and victim support groups, among others (UNDP 2016, 4). Guideline 9 of the UN Principles and Guidelines on the implementation of the right of women to access legal aid urges states to among other things incorporate a gender perspective into all policies, procedures and practises relating to legal aid. LASPs should implement this guideline in their interventions targeting women as a vulnerable group.

4.2.2 Children

Global human rights discourse has abandoned the term ‘juvenile delinquent’ in favour of ‘children in conflict with the law’. The latter carries less stigma and Children often get into contact with the law either as first-time offenders in minor cases, as victims of crime or as witnesses in disputes. However, LASPs should also note that children often enter the criminal justice system as a result of failed care systems (UNICEF, Penal Reform International, 2006). By international standards, the principle of the best interests of the child should guide all interventions involving children in the legal system. Falling below this standard could have a long term negative impact on the child’s psychological and emotional wellbeing, as well as potentially impact their future opportunities in education and employment (UNDP 2016, 81-82). Guideline 11, paragraph 58 of The UN principles and guidelines on access to legal aid in criminal justice systems defines child friendly legal aid as:

“...the provision of legal assistance to children in criminal, civil and administrative proceedings that is accessible, age appropriate, multidisciplinary and effective, and that is responsive to the range of legal and social needs faced by children and youth.”

It further guides as follows:

“Child friendly legal aid is delivered by lawyers and non-lawyers who are trained in children’s law and child and adolescent development and who are able to communicate effectively with children and their caretakers.”

As such, in case children are accused of crime, they must benefit from principles of child friendly justice which encourage diversion of minor offences away from the formal to the informal or community based systems. Legal aid providers must ensure that children coming into contact with the justice system are correctly identified as such and then proceed to

ensure they benefit from child friendly legal aid in line with the Convention on the Rights of the child (UNDP 2016, 81-82; the Children [Amendment] Act 2016).

Unfortunately, in many cases where children are victims, key actors in the legal aid service chain disregard reports of crimes against them on the basis that they are cultural and family matters. Children who report cases or are accused of offences are vulnerable to exploitation, intimidation and physical assault at all stages in the chain of justice. In some instances, they may be subject to adult processes or even confined in the same spaces as adults, in contradiction with established standards (UNDP 2016, 81-82).

4.2.3 Persons with Physical and Mental Disabilities

The Persons with Disabilities Act, 2006 defines persons with disabilities (PWDs) as those with 'physical, intellectual, sensory or mental impairment which substantially limits one or more of the major life activities of that person.' Although the 2006 Act requires employers to ensure accessibility to premises for clients and employees with disabilities, PWDs face structural barriers to education, work and other public and private facilities that directly and indirectly impact their access to justice.

In light of this, LASPs should support PWDs in securing – at all points of the LASP's intervention – adjustments that allow for wheelchair accessibility, alternative methods of communication such as sign language and other amenities to facilitate access for PWDs if they are to participate fully in the justice system without prejudice or discrimination. As explicitly stated in the United Nations Convention on the Rights of Persons with Disabilities, States must ensure '...effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.'

LASPs should adopt a human rights based approach when working with PWDs by promoting the global slogan 'Nothing about Us, Without Us' that calls for the participation and consultation of PWDs in all processes that concern them, including those under the justice system. Educational and legal awareness programmes and projects that target women should include information on the rights of PWDs as women are usually the primary caregivers for this population.

LASPs that work with PWDs should draft and maintain strict policies that incorporate the human rights principles of equality and non-discrimination, the right to participation and transparency and accountability in order to ensure a holistic approach to PWD issues. Below are examples of international good practices by legal aid service providers for PWDs;

Box 7: International Good Practices concerning Persons with Disabilities

1. Wherever possible, LASPs should adopt alternative means of communication that ease understanding of legal processes for PWDs. In China, legal aid services in Guangzhou provide legal aid information in Braille for the blind, sign language translators for the deaf, particularly during the process of lawyers' interviews, as well as home visits for those with limited mobility.

2. LASPs working with PWDs should utilise public interest litigation to ensure that duty bearers remove structural barriers that impede PWD's access to justice in society at large. LASPs can aim to prioritise the interests of particularly vulnerable PWDs within annual work plans in order to create more specialised support and increase the impact of advocacy for their protection. In Argentina, the Federal Public Defender's Office provides legal representation to persons with mental and physical disabilities. There is also a group of specialized lawyers created within the Office in compliance with the National Mental Healthcare Act, who represent persons with mental healthcare issues when they are involuntarily hospitalized. India has a separate scheme for provision of legal aid for mentally ill people, including mentally ill prisoners.

1. LASPs working with PWDs should liaise and develop a database of good practices and mutual support. In Israel, the National Public Defender's Office (NPDO) has a dedicated department representing persons with disabilities. One of its core functions is to monitor the quality of representation by building professional knowledge in this specific area, providing continued training to external staff and supervising their work. This includes consultation with experts whose services are covered by the budget of the NPDO. In order to cooperate with experts more efficiently, the Office maintains a database that includes an updated list of experts sorted by area of expertise and professional experience.

4.2.4 Prisoners

Several countries in Africa detain pre-trial suspects in the same facilities as sentenced prisoners. This practice is widespread despite States' obligations under various international treaties to apply pre-trial detention as a last resort in criminal proceedings, to ensure that accused persons are tried in reasonable time and detained separately from persons who have been convicted. States are also obliged to ensure that prisoners held on remand receive regular judicial review of their remand time in order to avoid overstay and to reduce prison congestion. Legal aid interventions aimed at prisoners should be targeted towards inspecting prisons for unlawful or prolonged detention conditions, identifying detainees who have overstayed on remand, those who are vulnerable to abuse, those who are ill, victims of torture, and those who have good cases for appeal, among other factors (UNODC 2011, 67). Women are more likely to have been detained unlawfully on charges not based in law but on cultural stereotypes and bias.

Women also have unique needs such as menstrual hygiene needs which could require specific intervention by legal aid service providers. For prisoners generally, Legal aid providers should aim at diverting petty offenders away from the prison system to community based reform systems (UNODC 2011, 67-79; UNODC 2019, 64-66).

4.2.5 Persons affected by HIV/AIDS and Other Stigmatised Groups

Due to fear of further stigmatisation, persons living with HIV/AIDS might endure human rights violations and legal grievances in silence thereby barring their access to justice. As already noted, women are particularly vulnerable given the cultural biases against them. They face a real threat of expulsion from their matrimonial homes in case their HIV becomes public. They also usually carry the burden of blame and may be denied maintenance and custody of their children for this reason.

Other socially and culturally stigmatised groups which avoid seeking out legal aid include commercial sex workers and sexual minorities. These groups have no faith in the legal system because they fall outside the protection of the law. As such, they often find themselves vulnerable to exploitation in communities where they live and by law enforcement officers who might target them in a cycle of abuse and extortion (OSIEA 2008, 24-25).

4.2.6 Victims and Witnesses of Crime

Although legal aid in the criminal justice system is mainly targeted at the accused, international standards have evolved to recognise the need to protect other major actors such as victims and witnesses of crime. States are required to provide special victim support and facilities throughout the criminal justice process to prevent repeat victimisation and secondary victimisation. Witnesses to crimes, particularly in post conflict settings where they may have witnessed mass atrocities, require special protections. This is because witnesses, their families and friends could be at risk of social or political persecution or reprisals that threaten their lives. States and legal aid service providers are required to consider witness protection programmes to ensure the safety of their clients. LASPs should also consider that sometimes witnesses to crimes are also victims of the same crimes. These categories of special and vulnerable groups are not exhaustive. Depending on the context, they may extend to the elderly, drug users, indigenous and aboriginal people, stateless persons, asylum seekers, foreign citizens, migrants and migrant workers, refugees and internally displaced persons, persons living in rural, remote and economically and socially disadvantaged areas (UNODC 2013, 9).

4.3 Establishing Specialized Legal Aid Services and Referral Networks

Lawyers and other legal aid service providers require versatility, strong referral networks and continuous capacity building in order to meet needs of vulnerable clients who require specialised legal aid services. LASPs may have to adopt specialised training programmes for their employees as well as establish special vetting and accreditation for their partners in the legal aid referral chain.

4.4. How does Legal Aid Address the Concerns of Vulnerable Groups?

Legal aid supports the most vulnerable in our communities to manoeuvre socio-economic injustices which severely impact their livelihoods as well as those of the communities they live in. Many LASPs working with women have equipped them with legal and financial literacy thereby empowering them to protect their matrimonial homes and property rights. Others have protected communities' land and labour rights while some have worked to secure affirmative government policies for post conflict regions such as Northern Uganda (LASPNET 2015a, 80). As an affordable pathway to justice, legal aid helps to relieve societal tensions and facilitates peaceful conflict resolution. By ensuring equality of arms, legal aid advances security of person for marginalised groups. Legal aid also has financial benefits. By facilitating alternative dispute resolution, facilitating the diversion of cases from formal to informal justice systems, conducting outreach and dissemination sessions and conducting trainings for state actors within the legal aid chain, among other activities, legal aid contributes to reducing case backlog, decongesting prisons, ensuring timely conclusion of court cases, contributing to quality investigation processes, promoting self-representation, among other benefits which are cost effective for the Justice, Law and Order Sector and the country in general.

4.5 Key Messages

1. Vulnerable groups face multiple layers of cultural, social, economic exclusion which limit their access to justice.
2. Where they face vulnerabilities based on disability or HIV/AIDS, women deal with additional discrimination on the basis of their gender.
3. Women living in rural areas are particularly marginalised due to the geographical, educational and economic exclusions which limit their mobility.
4. LASPs must adopt comprehensive prevention and response approaches to legal aid which address the multiplicity of needs presented by their clients. They should especially adopt gender sensitive approaches to legal aid.
5. LASPs must acquire specialized skills and adopt continuous training for their staff to ensure quality legal aid services for vulnerable clients with specialized needs.
6. They must cultivate collaborative and referral networks as well as vet their partners in the chain of referral to ensure they have the capacity to provide these specialized services.
7. Discrimination against vulnerable groups is rooted in formal and informal justice systems and structures. LASPs must understand this fundamentally and coordinate with relevant actors in order to arrive at a durable and effective solution.
8. Such solutions might lie under legal and policy reforms.

5

Section 5: Legal Aid in Specialised Contexts

5.1. Legal Aid in Criminal Justice Systems

The State's obligation to provide legal aid to accused persons in criminal cases is underpinned by the inequality of arms between the state and the accused. Without legal aid, poor accused persons are vulnerable to injustices and rights violations inherent in the system's costly bureaucracies, protocols and irregularities. They are likely to suffer long stays on remand, lost files, fail to produce sureties, wrongful convictions based on poor investigation techniques and evidence gathering by the police, unduly harsh sentencing, among other injustices. Unfortunately, many states limit their obligation to provide legal aid in the criminal justice processes to the trial stage and only for capital offences. However, the criminal justice system comprises a continuum from crime detection, taking of statements, conducting investigations, to the trial and post-trial stages. At each of these stages, poor persons who are suspected and accused of crime require legal aid. By narrowing their intervention to the trial stage, states leave many vulnerable people at the mercy of a bureaucratic and in many cases dysfunctional criminal justice system (UNODC 2011, 41-42).

5.1.1 Legal Aid during Investigation

The right to a fair trial extends to the right to have access to a lawyer at the preliminary investigations stage, at interrogation and pre-trial detention stages (UNODC 2011, 47). This right accrues immediately upon arrest and should not exceed 48 hours after arrest. It cannot be suspended unless it is waived by the accused. Additionally, accused persons are not obliged to answer any questions without the presence of their lawyer.

LASPs are therefore encouraged to design legal aid in criminal justice cases to cover all stages of the criminal justice process including investigation, arrest, and pre-trial detention. Intervention at these stages helps to reduce time spent by suspects at police stations and detention centres. The Lilongwe Plan of Action recommends that states should introduce legal and paralegal services at police stations in consultation with the police, the law societies, university law clinics and NGOs. States must then be obliged to cooperate with relevant legal aid service providers to advertise these services to prisoners and let them know how they might access them (UNODC 2011, 49). Such services could include the following:

9. General advice and assistance at the police station to victims of crime, as well as to accused persons;
10. Visiting police cells or lock-ups and monitoring custody time limits in the police station, after which a person must be produced before the court;
11. Attending police interviews;
12. Screening children and adults for possible diversion programmes;
13. Contacting or tracing parents, guardians and sureties;
14. Assisting with bail from the police station.

Box 8: Malawi Case Study on Investigation at the Investigation Stage

16. In Malawi, paralegals agreed to a paralegal roster with central police stations so that when a young person is brought into custody (at whatever time of day or night), they are able to make a call on a mobile phone (held by the paralegal on call), to attend at the police station to assist in tracing parents and/or conduct a screening interview (during the day) or reassure the young person (at night) and visit him or her early the next day. The costs of the call are negligible since the police allow the suspect to “flash” the paralegal on a police mobile phone (i.e. ring, but disconnect prior to the call being answered) so that the paralegal can either ring back and speak to the suspect or attend at the police station in person. Paralegals have put up a notice in each police station with the local cell phone number to call. Duty paralegals are on call 24 hours per day and seven days per week (UNDOC 2011, 51).

Box 9: Good Practices for LASP Intervention at the Investigation Stage

17. Some LASPs in Uganda have cultivated very close working relationships with police and prisons officials through whom they are able to monitor cases of detention without charges, wrong evidence gathering, and forcefully obtained witness statements, among other irregularities faced by clients who which require legal aid. LASPs work with police when watching brief for clients (e.g. in SGBV cases) and in juvenile justice matters, when diverting minor offenders away from the formal system and into community service.

18. The International Justice Mission in Northern Uganda has a fully staffed Investigations Department which works with the local police authorities to ensure proper evidence gathering and storage. The department also offers police officers training in professional investigating standards.

19. Legal aid at the investigations stage is critical in the Ugandan context where institutional incapacities often lead to poor evidence gathering which then forms the basis for miscarriage of justice.

5.1.1 Legal Aid at Court

The right to legal representation for persons charged with a criminal offence is fundamental to the right to fair trial (Universal Declaration of Human Rights (Arts. 10 and 11), International Covenant on Civil and Political Rights (Art. 14, para 3), Convention on the Rights of the Child (Art. 37(d)) and African Charter on Human and Peoples' Rights (Art. 7). However, most accused persons in Africa including in Uganda cannot afford the high cost of legal representation, let alone the high court filing fees. Moreover, as already noted, legal aid by the state in criminal cases is limited to capital offences and additionally in Uganda, it is not available on appeal. This means many accused persons are left vulnerable to the bureaucracies and irregularities of the trial process. It also means that victims and witnesses of crimes are not assisted by the state. Court procedures are confusing to most people including the educated. They are intimidating and alienating. It is important that lawyers and legal aid service providers assist accused persons, victims and witnesses in criminal cases, understand and manoeuvre the pressure of high costs and unfamiliar court processes (UNODC 2011, 55, 57, 58). In some cases, the physical presence of a lawyer may be what makes the difference between whether a victim of a crime can get access to a court or not.

Box 10: Enhancing Access to Justice for Vulnerable Clients

1. In one example from the field, a wealthy neighbour defiled an 8 year old girl and infected her with HIV/AIDS. He then used his influence with the Resident State Attorney and the security guards at the court premises to bar progress on the case filed against him by the victim's mother and to deny her physical access to the court. Through the Uganda Law Society Legal Aid Project, the victim's mother managed to secure a hearing date for the case and upon arrival to court while in the company of the ULS legal officer, successfully accessed the court and observed the commencement of the proceedings. This case highlights the vulnerabilities of some clients in the face of power imbalances which play out at court and the significance of legal aid service providers in restoring the balance.

5.1.2 Early Disclosure of Evidence and Diverting Appropriate Evidence from the Courts.

LASPs can also continue to open up lines of communication with all actors in the criminal justice process, examine the case load, request for early disclosure of evidence and explore avenues of diverting appropriate cases away from the state justice system. This option remains open throughout the trial process up to the point of conviction. It is necessary as it frees up court resources for more complex cases and helps reduce case backlog as well as the congested prison facilities (UNODC 2011, 57, 58, and 77).

5.1.3 Legal Aid during Incarceration and Rehabilitation

Convicted and sentenced prisoners have a right to appeal to a higher court on any legally available grounds. However, poor persons may be unable to pursue this right due to financial incapacity. This is especially likely if they had no legal representation at the trial stage. Sometimes prisoners may not even be aware they have the right to appeal, or do not know how they can appeal, or fear their appeal might be rejected and a harsher sentence imposed. In some cases, prisoners' appeals may be delayed because case files have not been typed out or have not been transferred to the higher court or get lost in transit. Legal aid in the form of prison outreach sessions at this stage is critical as it helps to educate prisoners of the possible grounds and procedures for appeal, to identify and follow up on prisoners whose files are missing or whose appeals are being delayed unreasonably (UNODC 2011, 75). At this stage legal aid is also helpful in identifying prisoners whose sentences can be converted into community service.

Box 11: Legal Aid during Incarceration

1. In Uganda, paralegals facilitated the release of 1,503 prisoners to community service in the period 2008-2009 by the following means: by informing prisoners about community service and how to get it, by compiling lists of offenders eligible for community service and submitting these lists to the magistrate, by attending community service meetings with community service officers, and by creating links with probation officers, community service officers and others to jointly hold sensitization talks for inmates in prison about community service and its advantages (UNDOC 2011, 75).

5.1.4 After-Care Services for Ex-Offenders

Although rare in Africa, some LASPs also provide after care for prisoners who have finished serving their sentences or have obtained early release. This may be through linking them up with their families, giving them some basic funds to travel home, advising the communities on the return of ex prisoner as well as establishing whether the communities are ready to receive the prisoner back (UNODC 2011, 76).

5.2. Legal Aid under Informal Justice Mechanisms

5.2.1 Legal Aid in the Community

'Informal justice systems' or mechanisms encompass those methods of dispute resolution and regulation of conduct through a neutral third party who is not a part of the judiciary as established by law and who applies principles or standards which are not rooted in statutory law.' (UNDP 2016, 44). Where formal justice mechanisms are costly and alienating especially in developing countries, informal systems are an important alternative for conflict resolution. It is

important to note that the obligation on states to provide access to justice for its people is not restricted to formal justice systems. As long as the alternative systems observe the principles of natural justice and human rights, they too offer a fulfilment of the obligation. Informal justice systems are especially important in post conflict settings where formal structures might have been destroyed or may be overwhelmed with mass atrocity proceedings (UNDP 2016, 44). Informal justice mechanisms in African countries are context specific. Some of the common structures include; tribe or clan institutions, religious authorities, local administrative authorities, customary courts, among others. These structures offer what has been referred to as Traditional Dispute Resolution (TDR) (UNDP 2016). Informal justice systems also extend to Alternative Dispute Resolution (ADR) which may sometimes be applied within formal justice institutions such as courts. ADR may also be applied by LASPs and by traditional institutions.

5.2.2 Traditional Dispute Resolution Mechanisms

Traditional systems of dispute resolution enjoy more legitimacy than formal justice systems in many African countries. They have withstood the test of time, are closer to local communities' belief systems and are accessible. However, they are also likely to perpetuate biases rooted in culture against some of the most vulnerable in the community such as women, children, persons with disability and persons affected with HIV/AIDs as well as other cultural and social minorities discussed in section 'D' above. They are also likely not to follow human rights standards where these directly conflict with cultural norms. LASPs engaging with TDR structures are urged to be mindful of potential areas of tension between their mission and the traditional justice systems of the communities they work in and learn how to balance conflicting interests (UNDP 2016).

Box 12: Traditional Dispute Resolution in Northern Uganda

I. Some LASPs which operate in communities that are deeply grounded in their traditional practices have adopted a strategy of engaging traditional leaders as paralegals or community legal volunteers (FIDA-U and ULS-LAP in Gulu). By using this approach they find that their messages are met with less resistance. They are able to convince clan leaders that harmful cultural norms are subordinate to statutory law and to demonstrate that human rights norms share common values with most cultural norms. They have been able to secure traditionally based decisions for their clients which are sensitive to gender and human rights norms. Traditional leaders also act as trend setters for these norms in their communities since they have to disseminate them in the course of their duties as CLVs and paralegals.



Figure 1: Lawyer Working With Cultural Leaders and Authorities

The United Nations Development Programme (UNDP) recommends that before LASPs engage with TDR systems they observe some key principles including:

Box 13: Good Practices in Traditional Dispute Resolution

1. Do no harm: LASPs should seek first to understand TDR before attempting to merge it with human rights norms. In certain cases such attempts have resulted in undermining positive aspects of TDR.
2. Be informed: In crisis affected contexts — in which customary authorities often play a key role in calming tensions — under-informed TDR interventions risk threatening stability.
3. Be patient: Commit over the long-term. Customary practice is complex and intricately woven with political and religious authority, and patterns of social and family life. Efforts to harmonise customary and statutory justice entail fundamental changes in the way that authority is exercised in a country (UNDP 2016, 50).

In light of the foregoing, LASPs engaging in TDR structures should carry out extensive research in order to ascertain the cultural norms and the basis for them. They should avoid codifying these norms as this could result in distortions of culture which is meant to evolve organically. They should also aim to have dialogues with traditional leaders and communities instead of having trainings which tend to impose views from statutory laws rather than seek to understand communities and their culture.

5.2.3 Alternative Dispute Resolution (ADR)

LASPs may be engaged in ADR either as mediators, or as support to their clients going through ADR.

ADR in simple terms is a dispute resolution mechanism which falls outside formal court processes. It may involve mediation, arbitration, conciliation as well as restorative justice.

Mediation is a voluntary, consensual, dialogue based and non-confrontational process which involves an individual third party or a panel of third party actors who facilitate a settlement between disputing parties. Mediation is usually free and often available immediately to clients who approach LASPs for legal aid. It is informal and conducted in a familiar environment, usually in the local language of the parties, with no complex formalities. The mediator may propose or advise the parties on the procedures to be adopted. However, the disputing parties are expected to reach a mutual settlement on their own and are thus expected to uphold its terms which often include an apology and compensation – either in cash or in kind. Mediation is often used to resolve minor family or civil law disputes and in some cases it may be applied to settle claims arising from petty offences committed by children. It is preferred to the formal court process because it is cheaper, participatory, faster and flexible (UNDP 2016, 55-56).

Arbitration is a more formal process where parties to a dispute hire a neutral third party to preside over legal proceedings, usually an expert in the field under dispute. The proceedings are more formal than mediation proceedings, but less formal than court processes. The arbitrator listens to the arguments made by the disputing parties, who may or may not be represented by a lawyer. The arbitrator then reaches a decision based on the facts and the applicable law. Both parties to the dispute agree in advance through an arbitration agreement whether the decision made by the arbitrator will be binding or not and whether it can be reviewed in the

5.2.4 Linking the Community to the Formal Justice System

LASPs should aim to link formal and informal justice systems as these reinforce each other especially in African contexts. These linkages may already exist informally between customary and statutory institutions such as between clan leaders and police officers or clan leaders and local council officials. Paralegals also often play a prominent role as intermediaries between the two systems. This collaborative network is essential in facilitating diversion of minor offences away from formal court processes as well as in supporting LASPs' outreach programmes among many other benefits (UNDP 2016, 54).

5.3. Legal Aid in Conflict and Post Conflict Settings

Formal justice systems break down during conflict and remain non-existent for a while after conflict. Lawyers and judges might have been killed or might have fled the country or region. Sometimes volunteers, usually LASPs from outside the country or region, might be utilised for temporary legal support pending the restoration of the formal system (UNODC 2011, 14, 12).

For this reason, the passing of the long awaited National Transitional Justice Policy (TJP), 2019, is a welcome reform. The Policy presents a framework to address the existing gaps in the formal justice process for post conflict settings and empowers legal aid practitioners, civil society activists and other service providers to facilitate access to justice for victims and survivors of conflict in the country. LASPs working in conflict and post conflict settings can use the TJP to address cross cutting conflict related traumas which many communities in these contexts present. Some of the common issues include sexual and gender based violence which may have been perpetuated during and after conflict, psychosocial trauma, increased crime, increased abuse of drugs and alcohol as coping mechanisms, stigma against former abductees or children born to mothers in captivity, increased land disputes during resettlement processes and gender based exclusions from land rights, IDPs, returnees and refugee communities and the challenge of weakened cultural institutions and cultural norms which conflict with the host country's laws, among other challenges.

Box 14: Good Practices for LASPs working in Conflict and Post Conflict Settings

- I. I. Refugee Law Project (RLP), a major LASP working in post conflict contexts, conducts screening processes with the main aim of identifying conflict-related trauma and, on this basis, formulating the best strategy for intervention on the client's behalf. According to RLP, this screening process is aimed at supporting clients by 'addressing profound harm'.

Populations that have been forcefully displaced suffer various socio-legal challenges, depending on the context. IDPs, refugees and returnees that settle in host populations outside their original social settings may meet stiff resistance to their resettlement or reintegration and require protection and promotion of their rights. Internally, these categories of vulnerable groups may also have various disputes and conflicts that further marginalise women, children, youth and PWDs, as well as ethnic minorities. It is important that LASPs understand that all of these affected groups are not homogeneous and require various strategies and interventions in legal aid. Without developing comprehensive strategies to work with not only displaced populations but also host communities, LASPs run the risk of increasing tensions in the region of work.

It should further be noted that victims in conflict and post conflict contexts may form their own coping structures and support systems. LASPs working with these populations must cultivate trust with their leadership in order to gain access to these groups and make effective interventions. Host communities also play a crucial role in the reintegration and promotion of IDP, refugee and returnee's rights, and must thus be engaged in legal awareness sessions and other strategic LASP interventions.

Box 15: Cultivating Client and Community Trust in Post Conflict Settings

2. In Northern Uganda, former abductees and mothers of children born in captivity continue to face rejection by their communities and suffer stigmatisation as 'Otong tong' meaning 'one who beheads' as a reminder that they are still perceived as former 'rebels' and perpetrators of atrocities. These women have formed support networks for themselves and their children. FIDA Uganda has worked closely with their leadership to advocate for specialised State funding for victims and survivors of sexual violence during the conflict in Northern Uganda.

In some cases, LASPs may have to utilise public interest litigation where structural injustices perpetuated during conflict are sustained after conflict through government's failure or refusal to allocate the necessary resources to correct them, or provide meaningful reparations and psychosocial support for victims of violence, including SGBV.

5.3.1 → **Refugees**

LASPs working with refugee communities must identify and analyse the legal issues in refugee camps in order to provide context-specific legal aid services that address the socioeconomic and cultural needs of these communities. Overcoming the language barrier problem is essential for access to justice in refugee contexts. LASPs must identify the language(s) spoken by refugee communities and immediately seek out interpreters through which they can communicate their legal aid services. A good practice in this area may be to co-opt members from the same refugee settlement to serve as translators, and eventually community-based paralegals or volunteers for the LASP.

Box 16: Addressing Language Barriers

1. On one occasion, the challenge of language barrier resulted in a miscarriage of justice against a refugee accused of theft. The magistrate hearing the case relied on a wrong interpretation by the court appointed translator and imposed a harsh sentence on the misunderstanding that the accused was a repeat offender. The LASP working on the case identified the anomaly and applied to the high court for a review of the sentence.

LASPs also have to understand refugee communities' approaches to dispute resolution. Where community norms encourage and conform to illegal practices such as child marriage, FGM and defilement, LASPs must conduct dialogue and sensitisation sessions and work closely with local leaders to encourage abandonment of the practice. It might be dangerous for LASPs to insist on applying the law without the close involvement of the community, even in clear cases of

injustice. This is because the community plays a huge role in the continued support, counsel and rehabilitation of victims of injustice. LASPs should also cooperate with local community-based shelters and service providers in order to provide clients with holistic services.

LASPs working with refugee communities in Uganda should form partnerships with the prominent actors in refugee settlements, including the Office of the Prime Minister, JLOS, the police, regional referral hospitals, NGOs offering medical, water and sanitation support, among others. Where formal justice processes are the appropriate intervention for clients, it is important that LASPs continually follow up with clients to ensure that they are satisfied with the outcome of interventions. LASPs may have to take extra steps to separate the client from the community, if necessary.

Box 17: Cooperating with Communities to Ensure “Just” Outcomes for Clients

I. In one unfortunate case, resorting to the formal justice system without “buy in” from a certain refugee community had a fatal outcome. A minor who had been defiled and impregnated by her uncle while in the country of origin reported the crime to police authorities on arrival into Uganda. Although the uncle was arrested and detained, the girl could not cope with the subsequent castigation and rejection by her community and later committed suicide.

5.4. Legal Aid in Development and Environmental Justice Contexts

Development projects come with benefits for the country’s economy. However they also can cause a lot of destruction, dispossession and injustices in the communities where they are implemented. These injustices may include large scale evictions, environmental degradation and cultural destruction. Legal aid has a significant role to play in securing justice for the usually poor communities affected by such projects particularly those involving resource extraction. LASPs can educate affected communities about their rights in relation to the project and help to connect them to avenues within the project or in courts of law where they might get redress. LASPs can pursue arbitration and in cases where there might be large scale violations by a project, or where there is a great power imbalance between the community and the project investors, LASPs may deploy public interest litigation to secure compensation for affected communities.

Box 18: Environmental Justice in Cameroon

I. In Cameroon, paralegals supported forest-dwellers in the Eastern and Southern Regions of the country’s tropical forest zone to secure rights to land and forest resources. This has resulted in lowering poverty levels in some communities because of higher incomes generated from carbon credit trading and the sale of renewable non-timber forest products. Paralegals also supported the forest-dwellers in securing legal identity (UNDP 2016, 6).

5.5. Key Messages

1. Many States do not provide legal aid during the arrest, pre-trial detention, investigation and post-conviction stages in criminal justice proceedings.
2. However, these stages are critical for determining whether a case warrants further prosecution or diversion from the formal justice system.
3. LASPs intervening in criminal cases should target these stages to fill the gaps left by the state
4. Prison outreaches and close collaborations with the police and prison authorities are crucial for effective interventions for pre-trial detainees.
5. Informal justice mechanisms can be integral to States' obligation to ensure access to justice.
6. Traditional justice mechanisms enjoy more legitimacy than State justice mechanisms in many countries in Africa.
7. LASPs should avoid imposing modern law onto traditional justice mechanisms without involving communities in the progressive acceptance of these laws and human rights standards.
8. LASPs should apply the do no harm principle, consultative and informed approaches to applying human rights principles in traditional justice contexts.
9. LASPs should take advantage of existing links between informal and formal justice mechanisms in order to strengthen and consolidate effective legal aid interventions.
10. LASPs working post conflict settings should map the past and ongoing vulnerabilities of communities in these contexts.
11. LASPs should cultivate trust with leaders and members of vulnerable groups in conflict and post-conflict contexts in order to design and implement long-lasting interventions for these populations.
12. LASPs working with displaced communities should map the socioeconomic and cultural needs of the communities that they are working with. LASPs should pay particular attention to these community's language needs and cultural attitudes towards justice.
13. Legal aid plays a critical role in securing justice for communities that are (or have been) negatively affected by development projects. In this regard, LASPs must raise awareness and employ public interest litigation to protect the rights of the community as a whole.

6

Section 6: Dos and Don'ts in the Management of Legal Aid Service Provision

6.1. Establishment of a LASP

Section 6 explores the “dos and don'ts” in the management and administration of legal aid in Uganda. Over the years, the Republic of Uganda has made changes to ease the establishment and operationalisation of organisations within the country, including through the introduction of an online system for the attainment of a trading license; the reduction of business incorporation fees; the elimination of the requirement that a commissioner of oaths sign compliance declarations, among others. This Section presents checklists, procedures and guidelines for the establishment, registration and operationalisation of LASPs in Uganda.

6.1.1 Registration of Local NGOs

As already explored in this Manual, LASPs can take various forms. This Section presents the procedure for the establishment of LASPs as NGOs, or companies limited by guarantee as per the Companies Act, 2012.

1. To register as a company limited by guarantee, the Companies Act requires LASPs to undertake the following;

Box 19: Establishing a LASP as a Company Limited by Guarantee

1. Fill and submit a Name Reservation Form to the Uganda Registration Services Bureau (URSB) and present a bank payment slip to confirm reservation of a company name (20,000 UGX). The Name Reservation Form can be downloaded for free at the URSB website.
2. Purchase and file the Company Registration Form (s.18).
3. Present Memorandum and Articles of Association.
4. File required documentation with Uganda Registration Services Bureau (URSB) and pay the requisite fees. A certificate of incorporation will then be issued in two or so days. The documents to be filled are;
 1. Form A1: Statement of Nominal Capital
 2. Form S18: Registration form

3. Form 19: consent to act as a director
4. Form 20: Details of directors and secretaries of the company, to be filed within 14 days of registration
5. Form 18: Notice of the situation of the Registered Address of the company. This form must be filed with the Registrar of Companies within 14 days of registration

6. Once the required forms are filled and payments are made, the Registrar will issue the organization with a registration number, as per Section 18 of the Companies Act.
7. Organisations that employ more than five persons are obliged by the National Social Security Fund Act Cap 222 to register for the National Social Security Fund (NSSF); application forms can be found on the NSSF website.
8. Section 117 (b) of the Companies Act, 2012 requires organisations to make a company or organization seal.



9. After registering a company limited by guarantee, the next step is to register with the Non-Governmental Organisations under the NGO Act Cap 113, as amended in 2006. This Act governs the registration, management and governance of Non-Governmental Organisations. The requirements for registration include;

Box 20: Registration of LASPs as NGOs

10. A letter of recommendation written by Local Council One Chairperson (LC I). On the same letter, the Chairman LC II, LC III and Resident District Commissioner (RDC) should each endorse their signatures and stamp. The organization can use the LC I from the area where it has its Headquarters.
11. Written recommendations from two sureties.
12. A work plan for the organisation's first year of activities, along with a budget and evidence of a source of income.
13. Two copies of the Constitution, By-Laws or Rules of the organisation, with provisions specifying the purposes for which the funds are to be utilized.
14. An organogram /administrative chart showing the organisation's leadership.
15. Payment of Ug. Shs. 40,000/= as fees for the registration of a local NGO.
16. Form A, duly filled and signed by at least two of the organisation's Directors.

17. All application materials and forms must be duly placed in a Spring Manila File Cover. On the cover of file, the names of the organisation must be printed in capital letters, along with the organisation's address and telephone contacts. The organization should write a letter to the Secretary of the NGO Board specifying the area of their operation; these details will be subsequently printed onto the permit, once granted.

18. It is good practice for LASPs to register with District NGO Monitoring Committees once incorporated.

6.1.2 Registration of LASPs



The Advocates (Legal Aid to Indigent Persons) Regulations, 2007 provide for the registration of legal aid service providers. The Regulations were enacted to;

Box 21: Advocates (Legal Aid to Indigent Persons) Regulations, 2007

19. Regulate and monitor the quality of legal aid service delivery;
20. Ensure that legal aid and advice are provided in a most effective and efficient manner;
21. Ensure that all legal aid providers operating in Uganda have basic facilities and qualified personnel required to provide legal aid in a professional and ethical manner;
22. Establish clear and objective criteria to be followed by legal aid providers when reviewing applications for legal aid;
23. Encourage the provision of legal aid throughout the Country.



The Uganda Law Council has the mandate to exercise general supervision and control over the provision of legal aid services, including the registration of organisations that seek to offer legal aid to indigent persons in the country. Prior to registration of a person, organisation or institution as a legal aid provider, the Advocates (Legal Aid to Indigent Persons) Regulations, 2007 formally state the requirements to be met regarding the physical and organisational structure of the LASP. These standards apply 'to persons, organisations or institutions providing legal aid to indigent persons in Uganda'.

Box 22: Section 7(a) of the Advocates (Legal Aid to Indigent Persons) Regulations, 2007

1. the office must be well kept and must meet the following basic requirements—
2. a suitable desk for the advocate or lawyer and for the paralegal;
3. a separate room for the advocate or lawyer and the paralegal, separate from that of other non-legal staff;
4. a secretarial desk and a computer or typewriter;
5. a reception with chairs or benches for clients;
6. a book shelf;
7. a chest of drawers or filing cabinet;
8. a reasonable collection of reference legal materials including a full set of the Revised Laws of Uganda;
9. toilet and sanitary facilities;
10. Properly kept files.

If the Uganda Law Council (ULC) is satisfied with the applicant, it will go ahead and issue a Certificate of Registration which entitles the holder to offer legal aid to indigent persons. ULC shall, in addition, inspect legal aid clinics with or without notice and, if satisfied with the quality of service provision, will issue a yearly Approval Certificate upon payment of a prescribed fee.

6.2. Service Delivery and Organisational Standards



In order to fulfil the requirements of the Uganda Law Council, LASPs should aim to satisfy the following organisational standards:

Box 23: Service Delivery and Organisational Standards for LASPs

11. Employ staff that are qualified, experienced and knowledgeable about their respective fields.
12. Define clearly, within staff contracts, conditions of appointment (i.e. salaries, pension, codes of conduct, benefits, etc.) that are commensurate with the services provided by the staff. Staff should be subject to promotions where applicable and justifiable, in order to retain high-calibre employees and reduce staff turnover that threatens institutional memory.
13. Routinely provide staff with training, supervision, support and counselling where applicable. Staff that work in difficult environments must have access to support within the LASP, via human resources or another suitable mechanism.
14. Specify a method for storing client data and information, including a procedure for repeat clients and storage of older case files. The Integrated Information Management System (IIMS), customised to each LASP's need, is a necessary framework for the management of client's data and information.
15. Develop and implement methods to review the quality of service provision to clients through Client Satisfaction Forms, Client Success Forms, etc. The LASP should also regularly ensure high standards of work among staff through among others, peer review mechanisms.

6.3. Professional Ethics and Standards for LASPs

Lawyers all over the world are bound by the rules and regulations stipulated by the bar associations or professional legal bodies to which they belong. In the case of Uganda, legal aid service providers are subject to the professional standards of the Uganda Law Council.

In practice, the challenges to implementation of professional ethics and standards in Uganda are many and multifaceted. The main hindrances are characterised by corruption, self-interest, and

unprofessionalism. Many indigent persons who seek legal aid are already in vulnerable positions due to one factor or another – seeking soda or monetary compensation for services that are purported to be “free” deters clients and promotes a culture of corruption that must in no way be condoned, or encouraged. In Fort Portal and Gulu, this practice was found to erode trust in legal aid service practitioners as well as the justice system as a whole, including local governance structures. Clients who were asked to pay fees for filing, or other services provided by the LASP felt that they would be asked for money at other LASPs, and this discouraged them from seeking professional legal assistance for their issues.

Within LASPs, staff who are not lawyers are not subject to these same professional conduct regulations. To ensure standardisation of the quality of legal aid services, it is therefore paramount that all LASPs draft, adopt and implement policies and practices that adhere to the minimum standards of conduct stipulated by the Uganda Law Council. This will ensure quality service delivery standards that cover not only lawyers but also non-legal staff and interns, community based volunteers and paralegals, as the case may be. Specifically, codes of conduct should address;

Box 24: Professional Standards for LASPs Protection of the client’s interests

17. Duty of Care and Do No Harm principles
18. Professional integrity in the fulfilment of obligations
19. Impartiality and non-discrimination
20. Client confidentiality
21. Non-action in conflict of interest situations
22. Non-acceptance of payments, except those permissible by the law
23. Upholding the reputation of the LASP and the legal profession as a whole
24. Handling of deposits made by clients, e.g. in child maintenance cases

On the subject of handling monetary deposits made by clients, research into the field revealed that multiple LASPs were storing client money within their premises – a practice which not only endangers the client’s money, but also incentivizes thieves to break into LASP premises looking for money. It is therefore important that LASPs store all monies in bank accounts, and ensure timely deposits to the same. In the absence of a bank account, LASPs should store money in a safe and keep proper accounts to that effect.

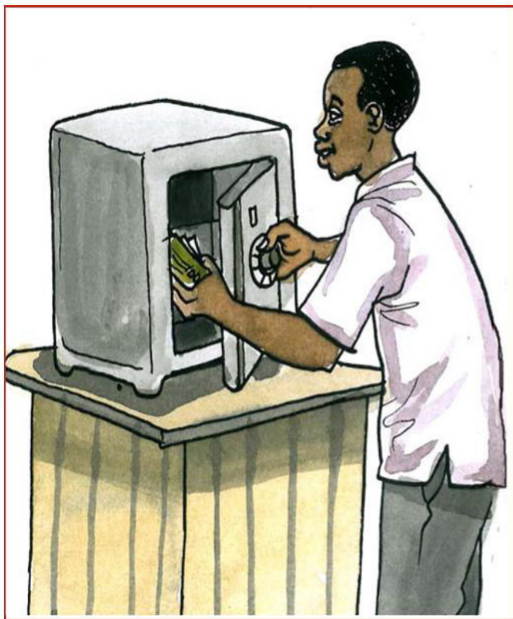


Figure 2: Deposit clients' money in a safe or official bank account to reduce the chances of theft and break-ins on LASP premises

6.3.1 Regulation of Staff

LASPs must not accept cases that go beyond the LASP's knowledge and experience, unless they have resources and partnerships to help boost their capacities. In particular, LASPs should ensure that staff do not go beyond their individual skills and competencies in the course of their work. LASPs should conduct regular trainings for staff in order to increase their knowledge of the relevant law in the LASP's areas of competence and to ensure that legal aid services are responsive to the needs of clients. It is also important to establish mechanisms for quality assurance on the staff's work and case management. In this regard, staff and their respective work must be subject to regular vetting and analysis by the LASP.

The recommended staff structure is as follows;

Box 25: Recommended Staff Structure for LASPs

26. Legal Advocates
27. Programme Officers
28. Psychosocial/ Welfare / Counselling / Officers
29. Paralegals
30. Office Clerks in charge of client data and storage
31. Receptionists
32. Monitoring and Evaluation Officers
33. Communications and Advocacy Liaisons
34. Human Resource Officers
35. Finance and Planning Officers
36. Investigations Officers
37. Interns and Volunteers

6.4. Client Care and Management



As mentioned in Section 1, the purpose of this Manual is to standardise and ensure quality legal aid service delivery to indigent persons in Uganda. Within this, client management and care is a key – and central – component in the provision of legal aid services. It is thus imperative that LASPs are aware of and adhere to Regulation 14 of the Advocates (Legal Aid to Indigent Persons) Regulations (below). While honouring their obligation to ensure that clients are catered for, LASP administration should not forget the staff welfare as stress impacts their capacity to serve clients. Staff training should involve aspects that promote self-care and alert staff as to the appropriate channels to use when reporting negative incidents and threats to their mental and physical wellbeing.

Box 26: Standards for Client Care as per the Advocates (Legal Aid to Indigent Persons) Act

1. Client care.

1. A legal aid provider shall ensure that clients are provided with quality client care.
2. In this regulation, client care means, but is not limited to—
 1. hospitality, accessible and appropriate services;
 2. conducive environment for confidentiality;
 3. professional and sensitive handling of juveniles, elderly or vulnerable people;
 4. provision of information about availability and nature of services provided and any other information;
 5. acting on client's instructions, or if not practical, in the best interest of the client;
 6. means of client satisfaction surveys;
 7. complaints procedure.

6.4.1 Accessible and Appropriate Premises

It is important to ensure that the LASP premises are physically suitable for client reception. When designing LASP premises, do keep the following good practices in mind;

Box 27: Adequate and Accessible Premises

8. Where possible, ensure that there are signs to the LASP to make it easy for clients to locate the premises.
9. Ensure that the premises are accessible for persons of all abilities; where applicable, provide a ramp and other accommodations for persons with disabilities.
10. Ensure that waiting areas are comfortable; if the waiting area is outdoors, provide a

source of shade and protection from the elements by using tents, for instance.

11. Ensure that the Reception Desk is centrally located for easier identification of walk-in clients. Where possible, mark the reception desk using a sign.
12. For purposes of confidentiality, ensure that the premises contain private spaces in which clients' issues and concerns can be discussed and addressed.

6.4.2 Adequate Documentation for Client Data Capture



Regulation 13(1) and (2)(a) of the Advocates (Legal Aid to Indigent Persons) Regulations, 2007 requires all LASPs to keep and maintain separate files for each client taken on by the LASP, as per below;

Box 28: File Maintenance Standards for LASPs

13. Maintenance of files

1. *A legal aid provider shall open and keep a separate file for each client.*
2. *A client's file shall contain the following—*
 1. *full particulars of the client including—*
 1. *statement of the problem of the client;*
 2. *expectations of the client;*
 3. *notes on assessment of means;*
 4. *legal issues raised by the problem and an explanation by the lawyer or advocate of the practical implications of the matter;*
 5. *advice given and options available;*

As the beneficiaries of legal aid in Uganda predominantly constitute the vulnerable and marginalised, it is pertinent that the LASP prepares and keeps the following documentation to ease client management and assist in monitoring and evaluation (M&E).

Box 29: Recommended Forms for Client Management

6. *Bio Data Form to capture client's information, e.g. name, sex, age, residence, etc.*
7. *Means and Merit Test (MMT) to ensure the individual qualifies to be a client*
8. *Commitment Form and Confidentiality Agreement*
9. *Initial Interview Form to capture the statement of the client's problem*
10. *Client Follow-up Form to register developments in the client's case*
11. *Clients Charter to detail the LASP's commitments to the client and vice versa*
12. *Client Satisfaction Survey or Form to aid in monitoring and evaluation*
13. *Client Referral Form for clients who need additional or alternative services*
14. *Other case management Forms specific to the LASP's clientele, e.g. refugees, IDPs, persons with disabilities, children, prisoners and other critical groups.*

In receiving clients, LASPs must ensure that the appropriate staff, traditionally receptionists, are trained and re-trained on receiving guests and individuals of all kinds, including vulnerable persons and persons with disabilities. This is even more crucial where the LASP's staffing is such that the receptionists, and not lawyers, are charged with holding initial interviews and administering Means and Merits Tests (MMTs). It is important that receptionists, as the first-port-of-call for individuals walking into the LASP, understand how to cater to the specific needs of individuals when they walk into the LASP, and to provide adequate support where need be. When receiving clients onto LASP premises, it is important to keep following good practices in mind;

Box 30: Client Reception

15. *Welcome the individual, offer them a seat and then proceed to ask the individual what brings them there*
16. *After ascertaining that the individual is interested in the LASPs services, conduct a Means and Merits Test that helps to identify clients.*
17. *If the individual meets the Means and Merits Test, administer a Client Service Form, Client Service Charter or other form as necessary to establish an agreement between the client and the LASP.*
18. *Ensure that the client understands, through the above form, the role of the LASP, as well as the client's obligations.*

6.4.3 Means and Merits Tests



Each LASP has the opportunity to identify its areas of operation, and to stipulate which clients to take on, as provided by the Advocates (Legal Aid to Indigent Persons) Regulations, 2007.

Box 31: Eligibility for Legal Aid as per the Advocates (Legal Aid to Indigent Persons) Regulations, 2007

- 1. Eligibility for legal aid.**
 1. *A person is eligible for legal aid under these Regulations if, in the opinion of the legal aid provider—*
 1. *the applicant has insufficient means to afford the services of an advocate on his or her own account;*
 2. *the applicant has reasonable grounds for initiating, carrying on, or defending the matter for which he or she applies for legal aid, or the matter is of public interest;*
 3. *if it is a civil matter, there is reasonable prospect of success or recovery in the matter;**and*
 4. *the applicant is in need of or would benefit from the legal aid.*
 5. *A provider may grant legal aid to an applicant for any other sufficient reason. well as the client's obligations.*



When considering which groups and matters to accord priority under the Means and Merits Test, look to the following provisos under Regulation 25 of the 2007 Regulations;

Box 32: Matters to Prioritise when Considering Legal Aid Applications

1. Matters to be given priority.

When considering an application for legal aid under these Regulations, a legal aid provider shall consider the following—

- 1. the elderly, widows, orphans, children, people with disabilities, internally displaced persons, people living with HIV/AIDS, prisoners on remand or refugees shall be given priority over other persons;*
- 2. land disputes, inheritance and succession disputes, domestic violence, child maintenance and custody, torture and other forms of human rights abuse shall be given priority over other matters.*

Although Regulation 24 sets out recommended criteria for assessing the client’s means, it is good practice to ensure that Means and Merits Tests promote inclusivity. This is because the definition of “indigent persons” can be overly restrictive, and may not take into consideration more complex factors that impede eligibility for legal aid. Regulations 23 and 25 give LASPS wide discretion in determining eligibility; under Regulation 22 in particular, an advocate can provide legal aid for any person, for any reason they see fit. LASPs should use this discretion to ensure that MMTs are inclusive.



Figure 3: Client Reception, Management and Care

6.4.4

Client Records



Upon passing the Means and Merits Test, the individual should duly fill and sign the relevant forms that declare client confidentiality and establish a legal relationship between the LASP and the client. It is important that the Client Charter includes the following (also found under Regulation 13 of the Advocates (Legal Aid to Indigent Persons) Regulations, 2007);

Box 33: Information to Capture when Registering Clients for Legal Aid

1. Bio data, i.e. client's name, sex, age, residence, next of kin, ethnicity, marital status, etc.
2. The nature of issues and type of service provision requested by the client.
3. Relevant case information, e.g. prior interventions made on behalf of the client by other service providers, and the outcomes of those interventions; time of arrest or detention where applicable; statements made to the police; charge sheets where applicable; medical or psychosocial assessments made; etc.
4. Detailed records of all interviews conducted between the client and the LASP, and legal counsel subsequently availed to the client.
5. Subsequent decisions made by relevant authorities such as the police, prosecutors, courts, etc.

6.4.5 Filing Systems

Although several LASPs across the country have met the requirements under Regulation 7 of the Advocates (Legal Aid to Indigent Persons) Regulations, 2007, not all LASP filing systems reached the appropriate standard stipulated in Regulation 13(3) thereof, which states that “client files must be properly kept and the correspondence ... be filed in order.” Poor storage of clients’ physical files remains the biggest obstacle to the proper handling of client records. In the worst case scenario, bookshelves and filing cabinets are so full of paper files that they are kept in stacks on the floor, where they are insecure and not private.

Box 34: Filing System in Justice Centre Uganda

7. In the best case scenario, files are stored in both hardcopy and online. Justice Centres Uganda (JCU), for instance, uses both paper files as well as an online database called the Information Management System (IMS) which stores and records client data. IMS records the services provided to the client by JCU and other stakeholders such as psychosocial officers, in order to centralise service provision. IMS also records detailed information from individuals who call JCU’s toll-free line, including services provided and solutions offered to the caller.

LASPs should endeavour to have a registry for filing client data and information. When establishing an effective filing system, these are some of the best practices to take into consideration;

Box 35: Good Practices when Storing Client Data

8. Where possible, use both physical files and an online system to manage client data.
9. Use files that are water resistant. In the absence of water-resistant filing apparatus, keep paper files on dry, raised shelves to protect them from the elements and decay.
10. Develop systems to categorise files, e.g. alphabetically, and by date of filing.
11. Make photocopies of all original documents, receipts and correspondence regarding clients.



Figure 4: Dos and Don'ts for Proper Filing Systems

6.5. Client Care for Vulnerable Persons

The foundational issues within the treatment of vulnerable groups have been addressed in the earlier sections of this Legal Aid Manual. This Section will explore the particular good practices in relation to the handling of vulnerable populations in the country, including the use of a psychosocial and trauma informed approach to dealing with clients, as the case may be.

6.5.1 Establishing Client Trust

The issue of trust in legal aid service provision does not stop at lawyer-client confidentiality. LASPs must respect and continuously build meaningful relationships between themselves and their clients. LASPs must always aim to establish trust with the client early on in the process of legal aid service provision. This is crucial because, as mentioned earlier on, legal procedures are not only confusing; they intimidate and alienate most people, even the educated. Establishing a relationship of trust empowers clients to appeal to LASPs when they have concerns, issues and doubts about the legal process. It encourages clients to speak openly and freely during dialogue with lawyers and promotes client satisfaction.

6.5.2 Psychosocial Approach to Legal Aid Service Provision

In practice, many legal aid service providers, especially lawyers, shy away from engaging with some of the “softer”, more interpersonal skills required in effective legal aid service provision, such as the ability to build rapport with clients and to form connections that reflect empathy or an understanding of the way that the client’s legal issues affect their personal lives as well. Here, the onus is on the lawyer to use a psychosocial lens during all client interactions, especially since recipients of legal aid are often people who are facing a vulnerability in one way or another.

Furthermore, it is often said that legal advocates are story-tellers. In order to successfully act in the clients’ best interests, lawyers must be willing and available to connect with clients’ concerns, and not only the legal issues at hand. Adopting a psychosocial approach is therefore one of the most powerful tools for empowering clients – especially the vulnerable and marginalised – to accurately recount their stories. The comfort of a client is not only important during initial client interviews, but all through the legal processes, including at the investigation and court levels.

Adopting a psychosocial approach has different connotations, and success is situational and varies from one individual to another. The core tenets, however, are empathy and kindness. When listening to individuals, it is important to be less impersonal, and more relatable. Interviewers should aim to step into the shoes of the interviewee, be they children, survivors of domestic violence, prisoners, persons with disabilities, mental health patients, the elderly, etc. Within this, lawyers must not use difficult legal terminology to frame the client’s concerns; rather, it is more effective to use language that is easily understandable and accessible to the lay population. This not only encourages individuals to build rapport, but also creates a relationship of trust between the client and the lawyer.

If an individual begins to cry or exhibit other signs of distress during the interview, offer him or her a tissue, maintain a respectful silence or ask if they would prefer to take a break before continuing with their statement. Always listen for any additional or underlying needs that the client may have. For instance;

Box 36: Determining a Client’s Additional Needs during Interviews

13. When attending to a child who has been defiled or sexually assaulted, ask the child’s guardian whether they have been to the hospital for an assessment of the child’s sexual and reproductive health;
14. When attending to a client who has been domestically abused by a partner, ask the client if they would like to speak with a counsellor;
15. When attending to a domestic employee complaining about abuse within the home, ascertain whether the employee has all of their personal documents within their custody (e.g. passports, birth certificates, national identity cards, etc.). If the employer is keeping these items, this may constitute internal human trafficking, in which case the client would definitely need additional services and support.

Where the above services are not available in-house, the LASP should ensure that the client is referred to an appropriate service provider within the community.

Box 37: Ensuring Timely Referrals where Client may need Additional or Emergency Services

1. LASPs should not ignore the need for services such as emergency medical attention in favour of legal proceedings. In one unfortunate incident in Fort Portal, the neglect of medical services by a LASP exposed a minor to HIV – a situation which otherwise would not have occurred if the LASP had prioritised attainment of the 72 hour Post-exposure Prophylaxis (PEP) for the client. The LASP was more concerned about instituting legal proceedings, and did not advise the child to seek medical services.

There is a gap in networking and referrals between types of service providers, especially for categories of vulnerable clients such as commercial sex workers, prisoners, and men who have sex with men (MSM) or Key and Priority Populations (KPPs). KPPs do not usually seek out legal aid because the law considers them and their conduct unlawful/illegal. This renders them particularly vulnerable to abuse even by law enforcement officials, e.g. sex workers and LGBTQI persons on holding charges of being idle and disorderly.

Box 38: Networking and Referrals for the Client's Best Interests

2. Within this context, the Youth and Women Empowerment Network (YAWE) in Fort Portal works closely with Government MDAs such as the Ministry of Gender, Labour and Social Development (MGLSD) to reach out to KPPs and develop a relationship of trust that allows these populations to access crucial services such as sexual and reproductive health care, legal support and family tracking, as the case may be. YAWE has enhanced its models of service by adopting MGLSD's comprehensive Household Vulnerability Assessment Tool (HVAAT), Orphan and Vulnerable Children (OVC) Service Forms and other useful tools. Among other amenities, YAWE has a private room for counselling, medical examinations and any other support that KPPs may need when they walk into YAWE's facility.

6.6. Trauma Informed Approach to Legal Aid Service Provision

Box 39: Trauma Informed Approach in the International Justice Mission

3. International Justice Mission (IJM) in Gulu stood out for its “trauma informed approach” to dealing with clients. Despite the fact that the LASP had both lawyers and psychosocial staff on call to address the clients' needs, the latter and former both had training on how to approach the clients' issues using a trauma informed approach. In addition, a good practice that we found within this LASP is that the psychosocial officer sits in on all dialogues with the client in order to promote a sense of support for the client, including in the courtroom.

Within psychosocial care, the “trauma informed approach” stands out as the most effective way of handling vulnerable clients, or individuals who appear to have experienced one form of trauma or another. A trauma sensitive approach to legal aid service provision is pertinent for all LASPs, as trauma affects persons across all spectrums and walks of life. Although experiences may vary, trauma in general has a profound impact on how individuals speak, relate to and perceive the world. This has widespread implications for one’s ability to relate to lawyers and LASPs as well; for instance;

Box 40: The Impact of Trauma on Survivors

1. Trauma survivors may be slower to trust than the average individual;
2. Their memories and perceptions of events may lack the coherence that other memories may have, due to the brain’s effort to process and manage the negative effects of trauma;
3. There is no clear-cut response to trauma, and so approaches that work with one trauma survivor may have minimal results on another;
4. Trauma survivors may be re-traumatised depending on what is said, smelt, felt or otherwise perceived.

When working with trauma survivors, LASPs must take into consideration the following key tenets and practices;

Box 41: Factors to take into Consideration when Working with Trauma Survivors

1. Do not make assumptions about how trauma survivors feel or behave, but rather validate what they are experiencing when recounting their story.
 2. Do not insist that the trauma survivor only stick to the legal issues; allow them to tell their story. Factor in enough time in the interview process to allow this.
 3. Do not judge the trauma survivor’s credibility as clients or witnesses only on the basis of how they behave.
 4. Do not insist on referring the case to third parties if the trauma survivor indicates lack of confidence in external actors. Build confidence slowly, and then act on this basis to ensure that the client’s best interests and wishes are met.
1. Do take into account the impact of trauma when collecting information from survivors.
 2. If the trauma survivor requires counselling skills beyond what a LASP can offer, consider referral to a specialised or professional counselling service.
 3. Focus on what is best for the trauma survivor based on his or her expressed needs, rather than forcing legal solutions onto the client.

6.7. Conducting Client Interviews

When conducting interviews, LASPs should take into account the following interview guidelines;

Box 42: Factors to take into Consideration when Conducting Client Interviews

5. Ensure that the client is assured of the confidentiality of any information provided to the LASP by the client.
6. Ensure that the room for interviewing the client is sound proof and has no other occupants.
7. Do ask the client what brings them into the LASP, and establish their particular concerns prior to the interview.
8. Request the client for permission to take down notes or any recordings.
9. If the interview process triggers traumatic experiences, utilise counsellors or skills that you may have to make the client feel more at ease, as appropriate.
10. Keep feeding back the highlights of the interview to the client to ensure that all persons have a good understanding of the case facts.
11. Explain at the end of the interview what is within the LASP's mandate and what may have to be referred to relevant third parties.
12. If there are security concerns and risks around the case being reported, the Do No Harm principle requires that the LASP advises the client in their best interests and seeks third party help, as appropriate.

Prior to all client interviews, LASPs must assure clients that any information that they share with the LASP will be confidential. During the initial interview, LASPs must record as much information as they can from the individual in order to ensure that the individual's concerns are addressed comprehensively and in line with their wishes. LASPs must employ a psychosocial approach (explored further on in this manual) in order to identify and take steps to address any specific vulnerabilities that the client may have. Client interviews should be captured adequately and accurately in order to ease future interventions such as at the investigative or judicial levels. Actively listening to the individual at this stage is important as it enables the LASP to identify and therefore act in the best interests of the client, particularly where the case involves a child or other vulnerable individual.

Where applicable, LASPs should ascertain the circumstances and conditions of an individual's arrest and detention. This information has the potential to either strengthen or weaken a client's case, and thus allows the LASP to make an informed decision on whether to take the case on, or not. Where need be, the client's information can easily be crosschecked by information from the police, detention facilities, the judiciary, etc. Where the client has been charged with an offence, ask about the nature of the alleged offence, including but not limited to the location, time and method of arrest or detention, evidence collected, and the parties involved. The client should also be asked about any potential witnesses and further evidence that may support the case, outside of the information already provided. It is important to

explain to the client why this information is being sought; i.e. for the enhancement of the LASP's interventions on behalf of the client. The onus is on the LASP to gauge the client's intellectual, emotional, mental and physical capacity to accurately and comprehensively respond to these questions. Where necessary, the LASP should step in to comfort, guide or encourage the client to disclose information.

Box 43: Factors to take into Consideration when Conducting Client Interviews (Cont.)

13. Do ensure the client is aware of the legal options available to them, and understands the nature of interventions that they can expect from the LASP.
14. Manage expectations when explaining the possible range of remedies and redress that the client may have access to through the LASP. For example, most criminal cases carry an incarceration sentence, but not victim compensation.

Once the interview is complete, the LASP should ensure that the client understands the options available to them under the law. The LASP must state the opportunities and merits of the case in the language and terms that the client can understand. However, it is also crucial that the difficulties of the case are outlined, e.g. where the client has made an unfavourable statement to the police in the past, or evidence is particularly difficult to obtain. In this way, the client is not misled or disproportionately optimistic about the outcomes of the legal interventions made by the LASP.

6.8. Interviewing Vulnerable Groups

6.8.1 Women

As established earlier in this Manual, women and children, particularly girl children, face a multitude of issues that must be addressed holistically by the LASP. Discriminatory social norms not only lead to abuse, but also have greater impacts on women's access to justice. As such, LASPS should adopt the following measures to address the needs of women in the justice system;

Box 44: Factors to Take into Consideration when Working with Female Clients.

15. Ensure that women can be interviewed in private rooms or spaces and, where possible, ensure that a psychosocial officer is on-call or available, should the client need one.
16. Lobby for women's rights in awareness sessions, including women's rights in land ownership, management and care; the importance of the work that women do in

the community, including unpaid care work; the negative impacts of gender based violence on not just survivors, but the community as a whole; the higher prevalence of HIV in women aged 15-24 years in Uganda, which increases their vulnerability in legal disputes; etc.

17. Adopt a trauma-informed approach when interviewing survivors of all forms of GBV; in cases where perpetrators are men, it is recommended that a female lawyer or psychosocial officer work with survivors in order to avoid re-traumatising clients.
18. Ensure that women's rights are observed during all LASP interventions; LASPs should ensure that female clients have continued access to psychosocial support, and protection from alleged perpetrators.
19. Ensure that rape and assault victims receive the appropriate medical support prior to instituting legal proceedings. This is especially pertinent where the client may have been exposed to HIV/AIDS.
20. Liaise with cultural and local leaders to ensure the protection of women within the community.
21. Take all measures to accommodate the most vulnerable women, including women with disabilities, child widows, survivors of GBV, ethnic minority women, HIV positive women, commercial sex workers, etc. When providing legal aid support to these groups, it is recommended that the LASP engage other actors to provide additional services for the additional needs of the clients.

6.8.2 Children

Within this group, as in all other populations, there are aggravating factors that increase a child's vulnerability. Child wives and widows, orphans, sickly children, refugee children, child victims of forced labour, trafficked children and child survivors of GBV are some examples, to name a few. Children should always be diverted from the justice system.

When handling child clients, it is important to keep the following in mind;

Box 45: Factors to taken into Consideration when Working with Children

23. Ensure that children are interviewed in private spaces where their matters can be addressed in the spirit of confidentiality. Where possible, ensure that reception rooms for children are colourful and inviting.
24. Ensure that all forms should be tailored to the child clients (e.g. provisions for guardians to sign any documents on behalf of the child).
25. Use simple language when speaking to the child. Avoid technical terms and explain concepts where necessary.
26. Use "ice breakers" or light, friendly conversation to make the child feel more

comfortable to speak openly.

27. Have interpreters present to translate any information that the child may not understand. In practice, LASPs that work in the criminal justice system often have interpreters, including Officers in Charge, to address issues faced by the children.
28. Take breaks mid-interview to accommodate the child's attention span as appropriate.
29. In all matters concerning children, uphold the best interests of the child. Although this may have many applications, LASPs must use their discretion to ensure that the child's welfare is upheld as the paramount consideration in legal proceedings.
30. Have a psychosocial officer available, should a child need one during or after the interview. Where this support – and other crucial services – is unavailable, ensure that the child is referred as appropriate, and monitor the progress of all referrals made.
31. Collaborate with a wide variety of actors, including Local Council leaders who can track and contact children's families, guardians or caretakers where need be.
32. Liaise with community members to ensure that children remain well-adjusted after termination of the LASP's services. For example, child survivors of domestic violence should be referred to 'fit persons' or 'community based volunteers', probation officers, LCI's, community development officers or leaders of the religious community that can continue to check up on them and ensure that they receive specialized services.
33. When interviewing children's parents, guardians or caretakers, ensure that the child is provided with a space to play that is removed from the interviewing process. This protects the child from exposure to any traumatic stories relayed during the interview.



Figure 5: LASPs should always uphold the best interests of the child.

As children are some of the most defenceless populations in the country, it is advisable that LASPs handling this population work with the Ministry of Gender, Labour and Social Development (MGLSD) to develop tools that speak to children's vulnerability across multiple contexts. MGLSD, for example, supports and furnishes service providers working with Orphans and Vulnerable Children (OVC's) with household vulnerability assessment tools, baseline and monitoring tools for children's vulnerability status, referral forms and others. The MGLSD webpage features additional information on effective service provision, and features an extensive database, the OVC Service Providers Inventory, with contact details and information on active OVC LASPs across the country.

6.8.3 Persons in Detention and on Remand

Legal aid service provision to incarcerated populations requires unique, targeted approaches. It is imperative that LASPs take the following general principles into consideration when handling incarcerated clients;

Box 46: Factors to take into Consideration when Working with Persons in Detention or Remand

34. Do thoroughly conduct baseline needs assessments for each prison / police cell where the LASP operates, including the location, nature of cases and circumstances of prisoners within the prison of operation. This is because each prison is different, and will require a different type of response from the LASP.
35. Do draft Strategic Policies that prioritise service provision for vulnerable groups within prison, the elderly, survivors of GBV, trauma survivors, poor persons, sickly persons, HIV positive persons, etc.
36. Do partner, liaise and collaborate with prison officials to gain and maintain access to prisons, and the clients within. Due to the fact that prisons, in and of themselves, are harder to access for the general population, LASPs have a higher burden to overcome in availing holistic legal aid services to the incarcerated population. A best practice in this regard is signing a Memorandum of Understanding with prison officials that enables continued access to prisons on condition that the LASP conducts itself appropriately.
37. Do conduct plea bargaining, advocacy and outreach sessions that allow convicted persons to represent themselves in court. As prisons in Uganda are over congested, engagements such as these decongest prisons and improve prison living conditions.

LASPs should aim to employ a psychosocial approach when dealing with incarcerated persons. This is not always easy as within the prison context, power differentials exist between lawyers and incarcerated persons that may prevent clients from speaking openly, honestly and comfortably about their cases. To counter this, ensure that as much dignity as possible is afforded to the client.

When working with incarcerated populations, LASPs should adopt the following good practices in order to ensure that power differentials are kept to a minimum;

Box 47: Best Practices when Interviewing Clients in Prison

38. Empathise with the client without speaking down to them. If the client is sitting on the floor, or standing, ask a prison officer to kindly avail the client a chair.
39. Secure a private or semi-private space where the inmate can securely speak about their case as per Section 14(2)(b) of the Advocates (Legal Aid to Indigent Persons) Regulations, 2007 which speaks to confidentiality. This may be difficult within prisons, where the environment is highly regulated. In these circumstances, sitting with the client in the corner of a prison library or other office and speaking in moderately low tones would suffice to guarantee confidentiality.
40. Begin interviews by speaking about the prisoner's day-to-day activities, such as their schedule, their eating habits and general wellbeing. This enables the LASP to determine the prisoner's psychosocial and physical health needs.
41. Form relationships with prison officers who interact with prisoners on a daily basis; in most cases, they are in the best position to make recommendations and assist with a client's case.

Finally, as LASPs cannot always be present within prisons, another good intervention is to train prison inmates and officers as “paralegals” who can then conduct legal awareness sessions within wards, empowering prisoners to represent themselves in court.

Box 48: Sustaining Service Provision to Incarcerated Populations

1. African Prisons Project (APP) in Kampala has adopted a particularly successful model for working with prisoners within remand, where the rates of recidivism are particularly high. This approach involves qualified legal staff acting as both lawyers and counsellors to reduce the rate at which inmates return to remand even after their release. APP trains inmates and prison officers as ‘auxiliary paralegals’ in order to ensure continued legal education and awareness raising among inmates even within prison wards, where access for the LASP is restricted. This approach has led to the eventual release of over 4,000 prisoners state-wide.



Figure 6: Lawyer empowering Inmates with Legal Knowledge to encourage Self Representation in Court.

6.8.4 Persons appearing in Courts or Tribunals

Psychosocial support does not end at the LASP premises. Clients must be supported throughout various court and investigation processes too, as these are all spheres that could intimidate vulnerable lay persons. Defence Attorneys that appear before clients in court should adopt the following best practices;

1. Before

Box 49: Psychosocial Support Before Appearance in Court

1. Conduct exercises to prepare witnesses for the court hearing.
2. Pay particular attention to the client. Rehearse statements with them in order to ensure that they are mentally prepared for what may be asked of them in court.
3. Where possible, escort the client to the court before their court date and conduct a role-play to further put them at ease before their appearance in court.

2. During

Box 50: Psychosocial Support During Court Proceedings

- On the day of the trial, have a dialogue with the client about any concerns they may have about the hearing. Ensure that, to the best of your ability, these issues are adequately and promptly addressed.
- If the Magistrate does or says something to offend or disrespect a client in court, politely approach the Magistrate after the court hearing and point this out to them. This will ensure that your future clients are not offended in the same way. In practice, female survivors of domestic violence tend to be particularly vulnerable to microaggressions or derogatory comments from Magistrates who are more traditionally/conservatively inclined and viewed domestic violence as an act of “love” from husbands. It is incumbent on lawyers to point this out as a negative and stigmatising practice.
- If a client begins to cry in court, or while on the stand, politely request the Magistrate to pause in the session in order to address the client’s concerns. If possible, both the lawyer and psychosocial officer or counsellor should be present with the client to calm them down.

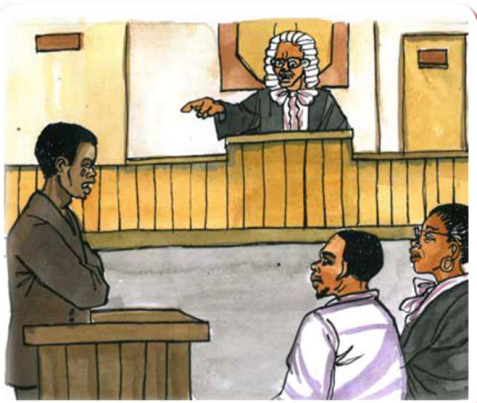


Figure 7: Lawyer and Psychosocial Officer attending to a Distressed Client at Court

3. After

Box 51: Psychosocial Support After Court Proceedings

10. Listen to the client and ascertain what further services – legal or not – need to be availed to the client.
11. Where the client is content with the result of the hearing, administer Client Feedback or Satisfaction Forms to gauge the level of their satisfaction with the legal aid services provided.
12. Follow-up with the client even after the case is concluded to ensure that they are still happy with the results of the case.

6.9. Conducting Legal Awareness Sessions

This Section addresses the dos and don'ts in conducting legal awareness sessions at the community or district level. As established earlier on in this Manual, LASPs should aim to engage and understand the leadership structure at the district level in order to identify entry points for conducting sustainable and effective legal awareness at the community level. Below is the standard hierarchy for leadership at the community level, by rank;

Box 52: Hierarchy of District Leadership

- | | |
|---|-------------------------------|
| 1. Chief Administrative Officer (CAO) | 3. Community Development |
| 2. Community Development Officer | 4. Gender, Children and Youth |
| 3. Department of Community Based Services, including; | 5. Disability and Elderly |
| 1. Probation and Social Welfare | 6. Culture |
| 2. Social Rehabilitation | 7. Labour |

The Chief Administrative Officer is the most relevant contact person for LASPs seeking to carry out legal awareness at the district or community level. The Chief Administrative Officer should be able to introduce LASPs to relevant CDOs at the sub-county level, as the case may be. LASPs should make their activities known to the Resident District Commissioner (RDC) and other relevant actors within the district. The District CDO manages relationships with various entities within the community, and as such has profiles on all organisations that operate within the district. He or she can refer LASPs to local, religious and traditional leaders that could serve as potential partners in the LASP's work.

LASPs should aim to draft and sign a Memorandum of Understanding (MoU) with the Chief Administrative Officer which details the LASP's objectives and proposed activities in which the LASP plans to engage in order to meet those objectives. The MoU should stipulate the ways in which the District leadership's involvement can support the LASP's activities. LASPs will be mandated to furnish the Chief Administrative Officer with reports detailing the LASP's activities, achievements and outcomes in the district of operation. LASPs are advised to make their services known to the different JLOS actors operating in the district. This will enhance achievement of the LASP's objectives as cooperation with JLOS actors creates an excellent entry way into the local context.

6.9.1 Strategies for Successful Intervention at the Community Level

When conducting legal education /awareness at the district level, LASPs should take the following measures into consideration;

Box 53: Recommended Strategies for Successful intervention at the Community Level

8. LASPs should conduct an assessment of the community's legal needs, taking into consideration the nature of concerns and disputes in the community and the community's unmet legal needs;
9. LASPs should make an assessment of the community's risks and vulnerabilities and respond to them, e.g. through improving accessibility for persons with disabilities or providing interpreter(s) to bridge language barriers. LASPs should also take into account the need for sign language interpreters to reach persons with hearing disabilities.
10. LASPs should seek permission from relevant authorities at the community level, i.e. LC leaders who can then assist the LASP in identifying central venues for community awareness sessions and other interventions such as Mobile Clinics
11. LASPs should align outreach and training materials with the amenities of the training venue; i.e. ensure that the intended venue has the equipment to facilitate intended methods of outreach e.g. videos, presentations, case studies, role plays, focus groups, brain storming sessions, etc. as necessary.
12. LASPs should ensure that they raise awareness of their intended activities in the community of operation prior to the activities taking place. It is imperative that LASPs tailor their awareness raising to the community of operation; i.e. where communities do not have access to mobile technology or face power outages, LASPs should opt to use radio or community leaders to spread awareness about the LASP's activities.

6.9.2 Community Mobilisation

When mobilising individuals at the community level, LASPs should take the following standard measures into consideration;

Box 54: Factors for LASPs to consider when Mobilising Communities for LASP activities

1. **Community / radio announcements:** LASPs should utilise community broadcasting methods such as radio to advertise the LASP's awareness sessions ahead of time;
2. **Drama and Entertainment:** delivering legal awareness through drama is an effective method for communicating complex messages to communities, and attracts a high turnout.

3. **Liaison with local actors:** LASPs should partner with local actors to raise legal awareness in the community, and take advantage of existing activities or events to reach LASP objectives. For instance, LASPs working with women can work with medical service providers at a health camp to raise awareness about sexual and reproductive rights.
4. **Liaison with other LASPs:** LASPs should be aware of the activities of other LASPs in the area so as to avoid duplication of activities and open up referral pathways.
5. **Timing:** LASPs should form strategies to engage target communities at times that are convenient for them. For communities that engage in social activities or head home after work, this may mean conducting awareness sessions earlier in the day. In farming communities, individuals may tend to gardens and farms in the morning and return in the evening, so the best time for an awareness session may be later in the day.
6. **Target Population:** LASPs should tailor outreach to the target population. LASPs targeting a community of farmers, for example, will most likely have to meet them on days when they are receiving seed supplies and do not have to be out in the farm.
7. **Barazas:** LASPs should conduct barazas, or opinion polls to generate information about community issues.
8. **Dialogue:** LASPs should convene meetings with key JLOS actors and liaisons in a particular district and operationalise a working relationship with them.

6.9.3 Conducting Community Dialogue

When planning for Community Dialogues, LASPs should take the following steps;

Box 55: Outline of Steps for LASPs to take when Planning for Community Dialogues

1. **Identification of Issues to be addressed:** LASPs should identify the gaps to be addressed in a community's legal awareness. In doing so, LASPs should use Rapid Assessment Tools to collect data about the nature of the community, the opportunities and the legal challenges faced by residents. This not only provides LASPs with a deeper understanding of the community's organization, history and socioeconomic context but also captures unspoken influential rules and norms that may have a direct or indirect impact on the success of the LASP's intervention.
2. **Methods of Intervention:** LASPs should then identify the best course of action in addressing the above cited issues. In doing this, emphasis should be placed on those methods of intervention that will not harm members of the community, but achieve the intended behavioral result and guarantee long term results. Options for

intervention should be prioritized based on their effectiveness, feasibility, relevance and appropriateness within the community's context.

3. Joint Planning: At this stage, LASPs should design an appropriate Community or Village Action Plan. The plan should include the following key elements:

1. Who will do what
2. What will be done
3. When will it be done
4. Who to partner with
5. What resources are required
6. What are the potential challenges
7. What indicators and tools are needed to monitor and evaluate activities
8. How to document activities and utilise training outcomes
9. What other partners may be doing in the same locality

6.10. Sustainability of Legal Aid Service Provision

Under the Advocates (Legal Aid to Indigent Persons) Regulations, 2007 Regulations, “legal aid” means the provision of legal advice or representation by a lawyer, an advocate or a paralegal, as the case may be, to a client at no cost or at a very minimal cost”. This has implications for service providers who must balance costs for not only the organisation, but also ensure that clients do not have to pay for services at any point in time. The purpose of this Section is to explore innovative methods that LASPs can use to promote sustainability of service provision to indigent and vulnerable persons. The Section proposes good practices and dos and don'ts in the management of costs and resource demands on LASPs in order to ensure quality, long-term legal aid services for all clients.

6.10.1 Forging Partnerships

The Advocates (Pro bono Services to Indigent Persons) Regulations require legal advocates to conduct 40 hours pro bono, or to pay money that facilitates the provision of pro bono legal services. LASPs should be creative in forming partnerships with legal advocates that permits the fulfilment of this requirement. Arrangements and MoUs that allow advocates to work with the LASP should be drafted and consolidated to enhance the sustainability of service provision and to enable advocates to comply with the Regulations.

The Advocates (Student Practice) Regulations, 2004 permit postgraduate bar course students to provide legal aid service to indigent persons as method of legal training and capacity building. In light of this, it is a good practice for LASPs to engage with Academia by establishing a volunteer or internship scheme that allows law students at the required levels to participate in and support the work of the LASP. Such a relationship is beneficial for both the students and the service providers, as the former gains work experience whereas the latter gets help in implementing their projects, fundraisers and activities.

LASPs should partner with other service providers to ensure that the overall needs of the client are met. This is especially pertinent where the LASP does not have an in-house psychosocial officer – in this case, the LASP can refer the client to a known counselling and psychosocial service provider, whereby the client can receive critical support that the LASP would not have been able to offer. This approach effectively fills the gaps in legal aid service provision to not only trauma survivors, but also women, children, HIV positive persons, “Key Priority Populations” such as persons who participate in commercial sex work, among others. In this regard, it is also advisable to collaborate with Government Ministries, Departments and Agencies (MDAs) that target the above populations, such as the Ministry of Gender, Labour and Social Development (MGLSD), the Equal Opportunities Commission and the Uganda Human Rights Commission, all of which may have forms, templates and tools that could benefit LASPs that target the above mentioned groups.

LASPs cited challenges brought about by the lack of a centralised client-tracking system to manage referrals and the outcome of interventions at various stages. For instance, LASPs that facilitate the costs involved in referring clients to other service providers are often frustrated when clients are then guided back to the LASP shortly after referral, without having been catered for at the organisation of referral. This is also true in cases where clients with multiple needs lack the knowledge of which service providers to contact first, and in what order thereafter. This places a higher burden on the LASP to ensure that the client’s needs are met at all levels of intervention and puts a strain on resources. To avoid this, LASPs should forge a strong network of partnership with service providers within the immediate community and maintain a database of key contacts and decision makers within community strongholds such as churches/mosques, hospitals, courts, prisons, the police, juvenile centres, mental health institutions, schools, etc. in order to ensure that client needs are documented, followed up on and satisfied at all stages of referral.

6.10.2 Cost-effective Approaches to Conducting LASP Activities

It is important to mainstream sustainability in LASP Strategic Documents, Policies and methods of operation. Within this, LASPs can employ various techniques, within their remit, that reduce the burden of costs. Although it is important to attend to clients on an individual basis, LASPs should also aim to conduct outreach sessions to communities, educating individuals about the law on a larger scale and deterring crime by raising awareness. A good practice in this regard is combining locus visits with legal awareness sessions in hard-to-reach areas where transport is expensive and difficult to secure.

Box 56: Cost-Effective Approach to Service Provision by the Legal Aid Project

8. The Uganda Law Society’s Legal Aid Project has comprehensive strategies, policies and sustainability mechanisms, e.g. conducting outreaches and client locus visits simultaneously to reduce the high transport costs to more remote locations. Prior to the locus visits (which occur twice a week on average), LAP drafts letters to the community and copies the relevant parties and area leaders (LC I, II or IIIs) to inform

them about the dispute in question. This is not only to ensure that all parties to the dispute are present, but to also guarantee that an amicable settlement, endorsed by all parties and the community, is met. Outreaches are then conducted on issues related to the subject matter for the locus visit. This approach increases trust and partnership between the legal aid service provider, the local community and local leaders.

From a more practical standpoint, the order in which LASPs carry out combined locus visits and outreach/awareness sessions is important. It is more effective to conduct a legal awareness session prior to the locus visit because individuals may choose not to attend the awareness session if they are unhappy or dissatisfied with the outcome of the locus visit. Additionally, LASPs may not always be able to combine locus visits with awareness sessions due to time and logistical constraints. Where this is the case, LASPs should plan ahead to ensure that activities can be conducted in good time.



Figure 9: Lawyer Conducting an Awareness Session prior to her Locus Visit

6.10.3 Managing Client Costs

Clients who reside in hard-to-reach areas are disproportionately affected by the costs of transport, accommodation and food required during travel to the LASP. To manage the costs of these clients, LASPs should plan to travel to remote areas and conduct “mobile clinics” in order to eliminate costs for the client and sustainably handle multiple clients at a time, within a remote area. In this way, it is good practice to write to relevant Local Council or community leaders in advance, who may then advertise the exercise and encourage turnout from neighbouring communities.



Figure 10: Lawyer attending to a Client in a Mobile Clinic

Box 57: Use of Technology to Manage Client Costs

2. To reduce client costs, especially on transport, LASPs such as ULS have developed user-friendly ICT innovations and apps (e.g. Pulidawo) which provide instant legal information to clients. The Uganda Association of Women Lawyers (FIDA) and the Muslim Center for Justice and Law (MCJL) have also developed the FIDA-Uganda App and the eLaw App respectively which aim to increase legal awareness and early access to justice. Many LASPs also utilise call centres, toll-free lines and SMS platforms to increase the reach of their services, no matter the geographical location of the caller. By encouraging these innovations, LASPs reduce client costs and provide timely referrals to individuals that need them.

Many LASPs also deploy community based volunteers, known as “community based volunteers”, “foot soldiers” or “fit persons”, who are stationed within various communities to address the needs of clients on the ground. In many cases, this ensures that individuals do not always have to travel to far off LASPs to receive services.

These individuals are oftentimes selected by LASPs to promote legal awareness and act as focal points in the communities in which the LASP operates. Community based volunteers are usually recommended to the LASP by community members as outstanding individuals of high moral character. As volunteers, they are usually unpaid (except in a few exceptions where the LASP chooses to facilitate them), they can be of any creed, religion, age, gender, ethnicity, etc., and are empowered with basic legal education and training by the LASP.

Community based volunteers fill a huge gap, and have many advantages, as listed below.

Box 58: Advantages of Community-Based Volunteers

3. Community based volunteers help to connect clients with the LASP where clients do not have means of communication. This is especially relevant for clients in hard-to-reach communities or areas where there are power outages or limited power supply and phones cannot be charged.
3. Their volunteerism not only creates a focal point for disputes in local communities; it also ensures that the LASP has presence in a wider range of villages and communities, without the added burden of financing this presence.
3. Where road networks are bad, community volunteers again help to bridge access to justice by acting as liaisons.
3. The presence of community based volunteers can assist in identifying disputes and alerting LASPs before they escalate into bigger societal rifts.



Figure 10: Lawyer attending to a Client in a Mobile Clinic

6.10.4 Public Interest Litigation

Public interest litigation (PIL) can be defined as “a court action seeking remedies aimed at a broader public good, as opposed to the specific interests of the individual litigant(s)” (Onyango, Human Rights & Public Interest Litigation in East Africa: A Bird’s Eye View). PIL is particularly effective as one PIL case, instituted by an individual or group of persons on a specific legal issue, can be used to address the needs of multiple affected individuals in the greater society. LASPs can use PIL to gain damages, declarations and injunctions for the long-term, long-lasting and far-reaching protection of the specific interests of vulnerable and disenfranchised individuals in the country. The right to engage in public interest litigation can be found in the Constitution. Article 50(1) and (2) of the 1995 Constitution of Uganda provides that;

Box 59: PIL under the Constitution of the Republic of Uganda

I. Enforcement of rights and freedoms by courts.

1. Any person who claims that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation.
2. Any person or organisation may bring an action against the violation of another person's or group's human rights.

Further, Article 137 (3) of the Constitution provides that;

Box 60: PIL under the Constitution of the Republic of Uganda (Contd.)

137(3). A person who alleges that –

1. An Act of Parliament or any other law or anything in or done under the authority of any law; or
2. Any act or omission by any person or authority, is inconsistent with or in contravention of a provision of this Constitution, may petition the Constitutional Court for a declaration to that effect, and for redress where appropriate.

Under Article 50 of the 1995 Constitution, actions and petitions alleging human rights violations must be brought before a “competent court” while Article 137 designates the Constitutional Court as the appropriate court. In *Ismail Serugo v KCC & A.G* (Constitutional Appeal No. 2 of 1998), Wambuzi CJ of the Constitutional Court clarified that, where an Article 50 claim does not involve the interpretation of the Constitution, that claim cannot be brought before the Constitutional Court at first instance. Rather, the High Court is the correct avenue for such claims.

Box 61: Procedure for Instituting PIL Proceedings

1. “... for the Constitutional Court to have jurisdiction the petition must show on the face of it, that interpretation of a provision of the Constitution is required. It is not enough to allege merely that a constitutional provision has been violated. If therefore any rights have been violated as claimed, they are enforceable under Article 50 of the Constitution by another court.”

Wambuzi CJ, *Ismail Serugo v KCC & A.G* (Constitutional Appeal No. 2 of 1998).

Furthermore, in *Christopher Mtikila v. the Attorney General*, Civil Case No. 5 of 1993 (High Court of Tanzania), the Court stated that public interest litigation;

Box 62: Nature of PIL

“...is not the type of litigation which is meant to satisfy the curiosity of the people, but it is a litigation which is instituted with a desire that the Court would be able to give effective relief to the whole or a section of the society...the condition which must be fulfilled before public interest litigation is entertained by the Court is that the court “should be in a position to give effective and complete relief. If no effective relief can be granted, the court should not entertain public interest litigation.”

On the issue of cost recovery in PIL cases, the court in *Kwizera v Attorney General* (Constitutional Appeal No. 1 of 2008) [2017] UGSC 3 stated that “no one should be seen to be profiting from a matter in which he or she has no interest beyond that of other members of the public.” LASPs should take this into consideration when initiating PIL proceedings. On the whole, qualified LASPs must take the following steps when initiating PIL cases.

Box 63: Procedure for Instituting PIL Proceedings in Uganda

- Do institute a Notice of Motion, along with a supporting Affidavit as per Rule 3(1) of the Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure) Rules S.I 13-4. .
- Do, where the claimant is seeking additional remedies such as special damages or restoration orders, follow the procedure for an Ordinary Plaint as per Order IV, Rule I of the Civil Procedure Rules.
- Do consider that the Standard of Proof in PIL cases in on the balance of probabilities.

6.10.5 ▶ **Mediation and ADR**

LASPs can engage in mediation and alternative dispute resolution (ADR) to promote sustainability in legal aid service provision. This method reduces the resource burden on the LASP by addressing client’s issues summarily and amicably, before the issue escalates to court processes which require more investment from the LASP. Although mediation and ADR is particularly successful in cases pertaining to families, LASPs must be cognizant of the potential risks of employing mediation in cases where, for example, one partner has been subject to abuse on multiple occasions by the other partner. In these circumstances, mediation must be conducted with a psychosocial officer present, and attention must be paid to any power dynamics present between the parties that could result in more harm in the future. Where children are involved, the best interests of the child must be taken into consideration at every step of the LASPs intervention, and/or mediation. If mediation could potentially harm or worsen

the situation, LASPs must employ another method to fulfil their client's interests. LASPs should also refer to the Community-Based Mediation Training Guide, developed in 2018 by Avocats Sans Frontières (ASF), LASPNET, Justice Centres Uganda (JCU) and USAID-SAFE. The module can be used to train mediators at the community level and ensure that mediation processes and outcomes are in line with internationally accepted standards.

6.10.6 External and Donor-Based Funding

LASPs have cited the lack of funding as the most acute impediment to the delivery of legal aid services. Within this context, LASPs shared concerns about;

Box 64: Concerns Regarding Funding of LASPs

- The disproportionate burden of high taxes on NGOs that impedes service delivery.
- The inadequate funding of JLOS and UHRC to facilitate rights based approaches to legal aid
- Misuse of donor funds allocated for legal aid by LASPs⁹. Lack of financial accountability and mishandling of client's monies
- Costs arising from implementing good practices such as translating human rights issues into the local languages and refund of transportation and accommodation costs for clients that travel long distances to access services.
- The issue of corruption that arises from lack of funding in the sector, which often leads to clients being charged money when they seek services from the police, for example.

LASPs should employ an officer to regularly draft proposals for funding from various development partners and organisations that work to promote the rights of indigent and vulnerable persons in Uganda. LASPs should streamline the reporting process in order to reduce the resource strain of reporting on multiple lines of work to multiple development partners at any given time.

Currently, most legal aid projects in Uganda are funded by the Democratic Governance Facility (DGF), a trust fund supported by the Governments of Austria, Denmark, Ireland, the Netherlands, Norway, Sweden, the UK and the European Union (LASPNET 2016). Organisations such as the United Nations are instrumental in providing technical support for the protection of indigent persons, and are therefore good reference points and partners in project implementation. Although various development organisations, departments and agencies have shown commitment to promoting the country's legal aid landscape, LASPs are on the whole much too dependent on external funding, and this has greater implications. Donor funds are not always available, accessible, or guaranteed. Additionally, the lack of adequate budgetary control within LASPs not only deters funders, but also limits the diversity of legal aid services when

donors repeatedly fund only trusted LASPs. LASPs should aim to establish effective financial departments, incorporating mechanisms to prevent ad-hoc budgeting which depletes donor trust and discourages future investment in the LASP. LASPs should also establish policies and practices that deter the misappropriation and misuse of donor funds by staff.

6.11. 12. Monitoring and Evaluation

Regular Monitoring and Evaluation (M&E) assessments are a way to measure the effectiveness and reach of LASP programmes, activities and interventions. In addition, M&E allows LASPs to provide accurate statistics, information and data for fundraising, advocacy and accountability to clients and donors. LASPNET has developed a manual to facilitate training of trainers sessions that will enable LASPs to conduct quality M&E training sessions for their staff.

LASPs across the country predominantly engage in quarterly M&E exercises, with most field offices relying on headquarters in Kampala to conduct M&E exercises. Although most LASPs monitor and assess their interventions to varying extents, resource and structural constraints such as the lack of organizational capacity, poor M&E tools and the lack of funding for evaluation exercises impedes the quality of M&E across LASPs. Nevertheless, LASPs can engage in M&E at all levels of client engagement, including;

Box 65: Levels of Client Engagement by LASPs

13. Initial client engagement
14. Administration of baseline / needs assessment
15. Development of an intervention plan on behalf of client
16. Implementation of the above plan on behalf of client
17. Monitoring of case progress
18. Closure of case and administration of client feedback forms

Regular M&E exercises allow LASPs to plan for unfavourable circumstances. For instance, where LASPs identify a lack or shortfall of funding in the implementation of a legal aid project, LASPs can react by applying for external funding, reassessing the project plan or managing human resource to ensure the project's completion (e.g. through community based volunteers, interns, etc.). Staff performance is a key component for LASP success, and as such should be monitored closely for adherence to the LASP's requirements and those of the ULC. Prior to carrying out M&E exercises, LASPs should determine the following;

Box 66: Factors to Consider before Carrying out M&E Exercises

19. Who the exercise is for: LASPs should consider whether the M&E exercise is internal, donor-facing, client-facing or community-facing. Who are the major beneficiaries of the exercise?
20. What is being monitored/evaluated: LASPs should establish the subject of

the M&E exercise and the criteria /indicators for determining success of the LASP's intervention.

21. How the M&E exercise will be carried out: LASPs should determine the method, scope and budget of the M&E exercise, as well as the resources and tools needed to accurately carry out the exercise.

Effective M&E protocols should assess the quantitative impact of LASP interventions and establish measurable outcome indicators that range from knowledge of legal rights after legal awareness sessions to client satisfaction upon service delivery. Psychosocial officers should be engaged to measure positive cognitive or behavioural changes in clients as a result of psychosocial support. A positive cognitive change includes, for example, a survivor of Intimate Partner Violence (IPV) who feeds back to a legal or psychosocial officer that, because of the LASP's intervention, she can now identify patterns of abuse by her partner that amount to actionable wrongs under the law.

Box 67: Evaluation of Client Satisfaction in Cases of GBV by IJM

22. The International Justice Mission (IJM) uses the Aftercare Successful Outcome (ASO) Form/ Assessment of Survivor Outcomes tool to measure survivor restoration and promote accountability for IJM's interventions across the six forms of violence that IJM addresses, including forced labour, commercial sexual exploitation, child sexual assault, property grabbing, online sexual exploitation of children and police abuse of power. Survivor restoration, defined as the moment 'when a survivor is able to function in society with low vulnerability to re-victimization', is measured across six main 'domains', which include safety, legal protection, mental wellbeing, economic empowerment and education, social support and physical wellbeing. Once clients pass the ASO, IJM follows-up on them for up to a year if need be, to ensure that they are still satisfied with the outcome of their engagement with the organisation. IJM has availed an ASO Manual online for free use by LASPs, and can avail its ASO tool to users upon signing of a user agreement.

Popular information management tools include organisational templates for quantitative data capture, surveys, interviews, case studies, to name a few. LASPs can use the following templates / forms to conduct M&E;

Box 68: Recommended Organisational Forms for M&E Activities

1. Cash Acknowledgement Receipts
2. Receipts Forms for Clients that pay for Services
3. Client Feedback Forms
4. Client Service Forms/Charters
5. Case Filing Format/Management Systems
6. Means and Merits Tests
7. Client Satisfaction Forms
8. Client Follow-Up Forms
9. Outreach Reports
10. Psychosocial Counselling Reports

M&E should explore the liability and culpability of the LASP's engagement with clients. On a broader scale, the World Bank encourages LASPs to engage in Cost Benefit Analysis (CBA) prior to engaging in legal aid projects. The organisation defines CBA as 'a method for assessing the economic efficiency of public policies through the systematic measurement of social costs and benefits' (World Bank, 2019). When conducting CBAs for potential legal aid projects, LASPs are advised to take the following steps;

Box 69: Recommendations for Effective Cost Benefit Analysis by the World Bank

1. Examine the socioeconomic, political, cultural and institutional implications of the potential project, including an analysis of any potentially negative impacts or externalities in the implementation of the project.
2. Establish clear, definable and measurable objectives and indicators for M&E that take into account the needs of the poorest and most vulnerable in society.
3. Carry out comprehensive economic and financial analyses that weigh the costs against the benefits of the project. Establish economic and financial indicators on this basis.
4. Conduct a risk assessment for the project, should it move forward, as well as an analysis of any impacts on the economic and financial indicators.

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Section 7: Appendix

7.1. Bibliography

National Legal Framework

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5. Children (Amendment) Act 2016
6. Companies Act, 2012
7. National Legal Aid Draft Policy, 2012
8. National Social Security Fund Act Cap 222
9. NGO (Amendment) Act Cap 113, 2006
10. Persons with Disabilities Act, 2006
11. Practice Direction No. 1/2006
12. The Advocates (Legal Aid to Indigent Persons) Regulations No.12 of 2007.
13. The HIV Prevention and Control Act of 2014
14. The Law Development Centre Act, Cap. 132.
15. The Local Council Courts Act, 2006.
16. The Magistrates Courts Act Cap 16
17. The Trial On Indictment Act Cap 23

Regional Legal Framework

18. African (Banjul) Charter on Human and People's Rights
19. African Union Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa
20. Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa
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22. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)
23. Resolution on the Right to a Fair Trial and Legal Assistance in Africa - The Dakar Declaration and Resolution of 1999

International Legal Framework

24. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)
25. Convention on the Rights of Persons with Disabilities (CRPD)
26. Convention on the Rights of the Child (CRC)

27. Convention on the Status of Refugees
28. International Convention on Economic, Social and Political Rights (ICESCR)
29. International Covenant on Civil and Political Rights (ICCPR)

International and Regional Declarations, Principles, Recommendations and Guidelines

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44. United Nations Rules for the Protection of Juveniles Deprived of their Liberty
45. United Nations Standard Minimum Rules on the Administration of Juvenile Justice

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7.2. Guiding Questionnaire for Key Informant Interviews

Part I: Introduction

1. Can you explain a little bit about the nature of your work regarding legal aid service provision?
2. What partners/ stakeholders do you find yourself working with on a daily basis? Do you face any challenges working with them? If so, what are the challenges specifically?
3. Do you work with any cases concerning the following groups? If so, do you have any special procedures or specific policies for protecting them? Can you elaborate on these procedures? Do you have any special interview methods/skills for this population?
 1. Women and children
 2. Persons living with HIV/AIDS
 3. Persons with disabilities
 4. Minorities e.g. Batwa, etc.
 5. Prisoners
 6. Refugees
 7. Victims of trafficking
4. Can you provide more information about how you provide legal aid services in these specialised contexts? How do you deal with legal aid provision in these specialised contexts? Do you have any established Protocols or reference documents for said protocol/practice? Do you face any practical challenges in the process? If so, how do you manage these challenges?
 1. Legal aid in criminal justice systems
 2. Legal aid during investigation
 3. Legal aid at court
 4. Legal aid during incarceration and rehabilitation
 5. Diversion from mainstream criminal justice system
 6. Informal justice mechanisms

7. Legal aid in the community
8. Linking the community to the state justice system
9. Legal aid in conflict/post conflict settings
10. Targeting refugees: e.g. gender-based violence legal aid clinics in Guinea

Part II: Management and Administration of Legal Aid

5. What is your approach to client reception, care and engagement?
6. How do you solicit feedback from your clients?
7. How do you ensure that professional ethics are abided by during the legal aid service provision process?
8. What techniques do you find work the best when conducting effective client interviews (please provide examples)?
9. What techniques do you find work the best when managing cases, including but not necessarily limited to;
 1. Evidence gathering
 2. Mediation management
 3. Preparing for litigation
 4. Witness handling and preparation
 5. Filing systems and records management
10. Do you have a system or standard practice for monitoring and evaluation? What are the challenges and how do you avoid them?
11. Have you developed strategic policies for each of your departments?
12. Do you have any of the following databases and forms? (secure these physical forms)
 1. Bio data form (for client information and statistics, etc.)
 2. Means and merit test (MMT); does the individual qualify to be a client
 3. Commitment form and confidentiality agreement
 4. First/initial interview form
 5. Follow-up interview update
 6. Case note (what is the client's case?)
 7. Client satisfaction survey (for monitoring and evaluation; to establish good practices and for use in advocacy)
 8. Client release forms (for pictures/info to be used in advertising)
 9. Any other forms
13. What challenges do you face in sustaining legal aid provision? What measures have you put in place to overcome these challenges?

Part III: Concluding Remarks

14. Do you think a legal aid manual for LASPS would be helpful? If so, why?
15. Do you think a national legal aid policy would be useful? If so, why?

7.3. List of Legal Aid Service Providers approved by ULC, by Region

S/ NO	Name	Region	Address
01	International Justice Mission.	Central	Kampala, Suuna Road, Plot 15
02	Legal Aid Project of Uganda Law Society	Central	Plot 5A, John Bahiha Avenue (former Acacia Avenue)
03	Legal Aid Project of Uganda Law Society	Central	Luzira
04	Muslim Centre for Justice & Law.	Central	Plot 401/2, Basiima Building, Bwaise, Kampala
05	Centre for Legal Aid	Central	Teacher's House 2nd Floor Plot 28/30 Bombo Road
06	Community Justice & Anti – Corruption Forum	Central	Kibuli depot, Corner flat, level 2, Suit 33
07	The Uganda Network on Law Ethics & HIV / AIDS.	Central	Plot 19 Valley Road, Minister's Village, Ntinda, Kampala
08	Justice Centres, Uganda	Central	Mengo, Chief Magistrate Court, Kabakaanjagala Road, Kampala.
09	Uganda Association of Women Lawyers (FIDA)	Central	Plot 100, Lutaaya Drive, Bukoto, Kampala
10	Law & Advocacy for women in Uganda.	Central	Lukuli, Nanganda, Makindye, Kampala
11	Foundation for Human Rights Initiative	Central	Lulume Road, Nsambya, Kampala
12	Kampala Legal Aid	Central	Plot 923, Makerere Hill Road, 3rd Floor, Ham Towers, Kampala
13	Platform for Labour Action	Central	Plot 14 Matyrs Lane off Old Kira Road Ntinda, Kampala
14	Civil Response on Environment & Development.	Central	Plot 3140, Old Kira Bukoto, Kampala
15	Uganda Christian Lawyers Fraternity	Central	Plot 42, Baptist House, Wandegeya, Kampala
16	Centre for Law and Peace (Uganda)	Central	Mukwano Courts, Buganda Road, Kampala
17	Human Rights Awareness and Promotion Forum	Central	Plot 390, Prof. Apollo Nsibambi Road, Kampala

18	Uganda Public Rescue Foundation	Central	Busega Kabale zone after Kasumba square Kizito Road, Wakiso
19	Public Interest Law Clinic, Makerere University School of Law	Central	Makerere University of school of Law
20	Law Development Centre Legal Aid Clinic	Central	Makerere Hill Road, Kampala.
21	Land and Equity Movement in Uganda	Central	Plot 4, Close 13-8th Street, Industrial Area, Namuwongo Road, Kampala
22	Legal Aid Project of Uganda Law Society	Eastern	Plot 14, Opolot, Odelle Road, Pamba, Soroti.
23	Legal Aid Project of Uganda Law Society	Eastern	Plot 52 Independence Avenue, Moroto
24	Legal Aid Project of the Uganda Law Society	Eastern	Plot No. 7A Ghokhale Road, West Jinja, Jinja
25	Land and Equity Movement in Uganda,	Eastern	Plot 1, Etyeku Road off Mbale Road Pamba, Soroti
26	Platform for Labour Action,	Eastern	Bulolo Road, Iganga
27	Legal Aid Project of Uganda Law Society	Northern	Plot 3, Awach Road, Gulu.
28	Legal Aid Project of Uganda Law Society	Northern	Plot No. 1A Adumini Road, Arua
29	Legal Aid Project of Uganda Law Society	Northern	Patongo Satellite Clinic, Patongo Town Council, Agago
30	Land and Equity Movement in Uganda	Northern	Plot 50, Ogwal Ajungu Road, Adyel Division, Lira Municipality, Lira
31	Land and Equity Movement in Uganda	Northern	Church Road Biashara Cell, Western Ward, Apac
32	Human Rights Focus	Northern	Plot 5/7, Airfield Road Gulu
33	Justice Centres, Uganda	Northern	Lira High Court
34	Platform for Labour Action	Northern	Lira District Administration Office, Lira Municipality
35	Facilitation for Peace & Development	Northern	Plot 2, Kyoga Road, Lira.
36	Justice & Rights Associates.	Northern	Plot 117/119, Uhuru Drive, Kitgum
37	Uganda Christian Lawyers Fraternity	Western	Kilembe quarters Plot 46, Kasese.
38	Uganda Christian Lawyers Fraternity.	Western	Masaka Municipal Council

39	The Uganda Network on Law Ethics & HIV / AIDS.	Western	Plot 83, Kaguta Road, Ntungamo.
40	Legal Aid Project of Uganda Law Society	Western	Plot 32, Mbarara Road, Kigongo, Kabale
41	Legal Aid Project of Uganda Law Society	Western	Plot 1, Sebagala Road, Masindi
42	The Uganda Network on Law Ethics & HIV / AIDS	Western	Plot 27, Sir Tito Winyi, Masindi
43	War Child Canada	Western	Panyadoli Refugee Settlement, Kiryandongo.
44	Legal Aid Project of the Uganda Law Society	Western	Plot No. 52/54 Kiboga Road, Fortportal
45	The Uganda Network on Law Ethics & HIV / AIDS	Western	Plot 27, Sir Tito Winyi, Masindi
46	War Child Canada	Western	Panyadoli Refugee Settlement, Kiryandongo
47	Legal Aid Project of the Uganda Law Society	Western	Plot No. 52/54 Kiboga Road, Fort Portal

7.4. List of Respondents who were consulted during the Development of this Manual

Location	Respondent
Fort Portal	Legal Aid Clinic of the Law Development Centre (LAC)
	Youth and Women's Empowerment Foundation (YAWE)
	Human Rights Democracy Link (RIDE Africa)
	Justice Centres Uganda (JCU)
Gulu	Uganda Association of Women Lawyers (FIDA)
	Uganda Law Society's Legal Aid Project (LAP)
	Human Rights Focus (HURIFO)
	International Justice Mission (IJM)
Kampala	Refugee Law Project (RLP)
	African Prisons Project (APP)

7.5. Recommended Organisational Forms for M&E Activities

7.5.1 Means and Merits Test

THE ADVOCATES (LEGAL AID TO INDIGENT PERSONS) REGULATIONS, 2007

Form III

APPLICATION FOR LEGAL AID

Please complete all questions correctly and honestly.

I. Particulars of Applicant

1. Names.....
2. Sex.....
3. Date of birth.....
4. Residential address..... (L.C, Zone, etc.)
5. Telephone contact.....
6. Marital status (please tick)
 1. Married
 2. Married but separated
 3. Single
 4. Divorced
 5. Cohabiting
 6. Widow
 7. Widower
8. Education level.....
9. What language(s) do you speak?
10. Number of people financially dependent on you (Dependents)

II. Means Assessment

12. Name of Parent/Guardian (If applicant is a minor)
13. Are you employed?
 14. Yes
- When did you last do paid work?
15. No
16. What work do you usually do?
17. Are you —
 18. Self-employed
 19. A partner in business
 20. A director in a company
21. Do you have any other income?
 22. Yes
 23. No

If yes, give details (e.g. amount you receive monthly, annually)

.....

24. Do you own any assets of commercial value?
 25. Yes
 26. No
 If yes, give details

-
 27. Do you have an account with a bank or micro finance in Uganda or elsewhere?
 28. Yes
 29. No
 If yes, give details

-
 30. What sort of housing payments do you make, or are made on your
 Expense Amount paid per month
 Child maintenance (provide proof)
 Spouse maintenance / alimony
 Loans (provide proof)
 Other debts (specify)
 31. Do you pay any of the following?
 32. Rent.....
 33. Others (specify).....
 34. Do not pay any housing costs (give details)

.....
35. Subject Matter

36. For what type of problem do you need legal aid (please tick)
 37. Family
 38. Criminal
 39. Civil
 40. Land
 41. Administration of
 1. Accident claim
 2. Constitutional
 42. Other (please specify)

.....
 43. Briefly explain your problem

44. Who referred you?(name of provider)
 45. Are there current court proceedings?
 46. Yes
 47. No

If yes—
 Which court or tribunal do you have to appear in? (For example High Court, magistrate's court, family court, tribunal)

.....
Where is the court/Tribunal located? Town, District, etc. When is next court date?

.....
48. Are you applying for legal aid against a decision of a court or tribunal?
49. Yes
50. No
If yes—
Which Court or tribunal made the decision?
Where is the court (location).....
What was the date of the last decision?.....

Declaration by Applicant

I.....

of (address)

acknowledge that my application for legal aid will be prejudiced if I

1. Fail to provide information required of me and which is relevant to my application for legal aid.
2. Provide a document in connection with this application which is false.
3. Make a false or misleading statement either orally or in writing in relation to this application for legal aid.

I therefore declare that all the information I have given is true and correct to the best of my knowledge.

Applicant’s signature.....

Date..... / /

Advocate’s Certification

(Applicable only where the application is filled by an advocate /lawyer on behalf of an applicant who cannot read or write.)

I (name of advocate/lawyer

.....

Certify that I have assisted the applicant to fill this application form. Prior to the applicant appending his/her signature, I read over and explained all the contents of the application to the applicant.

Signature of Advocate/Lawyer

Date..... / /

Legal Aid Provider’s Assessment Notes

.....
.....
.....

Cross Reference

The Advocates (Professional Conduct) Regulations, S.I 267-2

JUSTICE J.W.N TSEKOOKO,
Chairperson, Law Council.

7.5.2

Client Data Capture Form

Client's Name:

File Number:

Gender: Age:

Client's Contacts:

Next of Kin/Contacts:

Name(s) of Children:

Marital Status: Level of Education:

Occupation: District:

Parish: Village:

LC I Chairperson Area:

Respondent's Name:

Respondent's Contacts:

Type of Case: Criminal Civil Land

Family

Other (Explain):

Client's Statement:

Action(s) Taken on

Behalf of Client:

Follow-Up Report on Interventions Made on Behalf of Client:

Date	Employee Name	Remarks/ Interventions Made	Follow-Up
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How did the Client hear about the Legal Aid Service Provider's Services?

Online Recommendation by Previous Client Word of Mouth Radio

Other:

7.5.3 Psychosocial Counselling Form

Client's Name:

File Number:

Date of Registration:

Gender: Age:

Residence:

Statement of the Problem:

Background of the Problem:

Evaluation of the Problem:

7.5.4 Client Referral Form

Client/Visitor's Name:

Date: Gender: Age:

File No. (If any):

Residence:

Organization to which the client is referred:

Reason(s) for Referral:

Name of Officer Referring Client:

Signature of Officer Referring Client: _____

Feedback on Services Provided by Organisation of Referral

Client/Visitor's Name:

File No. (if any):

Date of Reception by Organisation of Referral:

Services Provided:

Name of Officer who attended to Client:

Additional Notes:

7.5.5 **Community Outreach Report**

Location:

Date: Start Time: End Time:

Nature of Outreach:

Officer(s) In Charge of the Outreach:

Community Contact Name/ Number:

Participants <18 18 – 35 36 – 50 >50 Total

M

F

Number of Persons with Disability:

Purpose of Outreach:

Description of Activities:

Questions Raised during Outreach

Responses to Questions Raised

Emerging Issues:

Conclusions:

7.5.6 Client Satisfaction Form

Client File Number:

Date of Registration:

Please tick the applicable boxes for the services you received as a client:

Legal Advice
 Mediation (ADR)
 Referral
 Other

Please circle or tick the following to indicate your level of satisfaction with services rendered to you.

Question	Answer	Comments/Notes
How were you received at the Reception?	😊 😐 😞	
How long did you have to wait before you were attended to?	😊 😐 😞	
Did the officer(s) handling your case give you enough time within which to elaborate on your issues?	😊 😐 😞	
Were you offered plausible/workable options for how your case would be handled? Were those options explained fully?	😊 😐 😞	
Has your case been concluded / fully resolved?	😊 😐 😞	
Are you satisfied with the outcomes of your case?	😊 😐 😞	

If your case has not been concluded, have you been informed of the reasons why?

Were you given the opportunity to discuss your satisfaction with the outcomes of your case?



How can we improve our services in the future?

Contact Us:

Legal Aid Service Providers Network

Plot 10, Block 75, Balintuma Road, Mengo

P.O. Box 8488, Kampala

Tel: +256(0)393513733

Email: secretariat@laspnet.org



www.laspnet.org



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