



REFLECTION MEETING ON PARALEGAL REGULATION IN UGANDA

21ST NOVEMBER 2013

DOLPHIN SUITES
KAMPALA – UGANDA

Funded by:



Legal Aid Service Providers Network (LASPNET)
P.O. Box 8488 Kampala-Uganda Tel: +256 (0) 312 513733
Email: secretariat@laspnet.org Website: www.laspnet.org

Table of Contents

1. BACKGROUND	3
2. RATIONALE	3
3. OBJECTIVES.....	3
4. PRESENTATIONS	3
5. PLENARY DISCUSSIONS	4
6. CONCLUSIONS	6
7. RECOMMENDATIONS	7
8. ADJOURNMENT	7
9. APPENDICES	8
Appendix 1- List of Participants.....	8
Appendix 2- Programme for the Event	10

1. BACKGROUND

Over the years in an effort to enhance access to justice, especially in far to reach areas, civil society organizations have trained Paralegals, Community Volunteers, and Peer Leaders among other persons, to provide the basic legal and social services to target groups.

The services provided by Paralegals/ Community Volunteers are not regularly monitored or tracked by the trainer organization which has led to misrepresentation, holding out and engaging in various unlawful activities by some Paralegals. This is also contributed to by the fact that the existing regulatory framework, the Advocates (Legal Aid to Indigent Persons Regulations) 2007, recognizes Paralegals as those trained at Law Development Center (LDC) but does not provide for their specific regulation.

Despite the above, the Legal Aid Service Providers' Network (LASPNET) held a meeting with members and stakeholders to establish a formalized engagement in the development of regulations that would ensure standardized ways in which Paralegals can be effectively monitored on the nature of services they provide.

The meeting commenced with break teas followed by registration and self introductions by participants in attendance.

2. RATIONALE

The purpose of the meeting was to explore ways of ensuring quality, efficiency, adherence to ethics and professionalism in the service of the indigent, vulnerable and marginalized persons by paralegals.

3. OBJECTIVES

To bring together professionals involved in implementing, monitoring and supporting Paralegal programmes within their organizations in order to discuss the most efficient framework required for the regulation of Paralegals.

To provide a platform for discussing the categorization of Paralegals in Uganda, especially those with minimal skills, that may need accreditation by the Uganda Law Council (ULC).

To provide an opportunity for the Uganda Law Council and LASPNET membership to understand each other's the viewpoint regarding categorization of paralegals in the regulatory framework.

4. PRESENTATIONS

The Programmes Manager welcomed members and thanked them for attending the meeting in large numbers. This was followed by opening remarks by the Executive Director.

In his remarks, the ED revealed that there were concerns from the donors and the Uganda Law Council (ULC) regarding the nature of membership in the Network and their accreditation status to provide legal aid services in Uganda.

However, he explained that these concerns had been addressed during the 4th LASPNET Annual General Assembly where the Assembly pronounced itself on the nature of membership i.e. to become an Ordinary member of LASPNET, you need to be an organization accredited by the ULC, preferably registered at the NGO Board and providing legal aid services – these have been defined in our Constitution as ordinary members.

However, he noted that those who qualify for ordinary membership are very few and cannot roll out across the country. The majority of the LASPNET membership are not accredited but are organized, committed and are providing various secondary legal aid related social services in the communities. These are defined under our constitution as Associate members.

He emphasized that it would be unfair for LASPNET to ignore these Organizations because as a Network, we are not a regulatory organ but rather a supportive organ and our role should be to support them as they upgrade from transition towards accreditation.

Further, the AGM also thought it important to recognize persons who have rendered distinguished services to LASPNET with Honorary membership!

The ED noted that while many LASPs would love to engage advocates and Lawyers in service delivery, this has not been possible in our environment of free legal services. In addition, Legal aid is not simply about court representation but extends to other real life needs of our communities, it is therefore important to tap into this resource of paralegals. He also pointed out that as a Network, we think all those who have been working with paralegals can enable us redefine a paralegal beyond the current statutory provisions.

It is noteworthy that other persons doing similar work may not have a diploma in law but are doing a great job for example with regards to human rights awareness in the community i.e right to good sanitation, health services and in service delivery generally because it is what translates into proper standards of living. Some of these community issues like domestic violence require social workers to give psychosocial support; paralegals should embrace this broad spectrum of persons including fit persons and community volunteers.

On that note, he invited members to deliberate further and agree on resolve on the most efficient framework required for paralegal regulation in Uganda.

5. PLENARY DISCUSSIONS

Experiences shared by a representative of the Paralegal Advisory Services (PAS) suggested that paralegals under this project work within defined objectives and are attached to host organizations that have lawyers who supervise and guide them. They receive regular trainings on procedures for court and police among others and they submit monthly reports to the PAS Secretariat which are used to assess quality and performance.

The is in line with the current Advocates Act which places the supervisory role on the legal aid service provider to whom the paralegal is attached. However, the meeting was of the view that placing the huge responsibility of monitoring and guiding paralegals on the Organizations to which they are attached will present some difficulties because these organizations are not self sustaining.

The meeting agreed that there should be standards and measures that should check those engaged in paralegal work in form of a code of conduct for paralegals.

However, some members raised concerns regarding who sets the code of conduct and who monitors its implementation. The proposal was that this could be captured within the National Legal Aid Policy that is expected to be adopted soon, whereby the legal aid body could register all paralegals, Uganda Law Council could regulate and accredit them while LASPNET coordinates and supports them as members.

The meeting noted that before a code of conduct is instituted, there is need to look at uniformity because LASPs operate under different thematic areas.

Members agreed that we should have a uniform training curriculum and certification for paralegals in order to ensure quality and standardization of services provided by paralegals.

Members also deliberated on the current practice of paralegal training whereby Organizations train based on in-house curricula which are specific to their thematic areas. They recommended that there is urgent need to commence a consultative process for purposes of coming up with a harmonized training curriculum for paralegals. That notwithstanding, some members were concerned that given the different levels of education of persons who normally seek to be trained as paralegals, a uniform curriculum may not be appropriate. It was proposed that ULC should accredit trainers of paralegals and that there should be clear guidelines regarding the minimum qualifications and expertise. This would eventually lead to provision of quality services by paralegals.

The meeting stressed that a LASP is assessed by the ULC to provide legal aid services; however, it does not take into account training for paralegals or community volunteers. In other words, they proposed that an Organization can also be accredited to provide paralegal training services if it meets the qualifications set by ULC.

In addition, the meeting advised that all trainings should have a representation of ULC; the certificate should have a stamp from ULC and from the training organization and ULC should only authenticate the certificate after verification of the content and quality of training.

It was observed that there is need to clarify that refresher trainings are not equivalent to the major trainings for accreditation but they could contribute to a requirement for continuous professional development for paralegals just like is the case for Advocates.

6. CONCLUSIONS

Academic certification: The meeting proposed that all paralegals should be certified basing on their academic qualifications and the same should be used to determine the nature of services that paralegals of different grades can provide. Certification could consider paralegals with a Diploma in Law from LDC, Certificates from higher institutions of learning and thematic Certificates from Civil Society Organizations. However, additional trainings attained should be a basis for an upgrade in certification. Further, the regulator may consider granting individuals with certain levels of competency, waivers or exemptions from some aspects of the formal training.

Professional categorization: Under this categorization, members recognized the fact that some professionals undertake a diploma in Law for purposes of having a fairly solid knowledge base as regards matters of the law in order to support their professional work but not necessarily to engage in paralegal related work. For instance an HR professional may study a diploma in Law in order to understand basic legal principles relating to labour rights and contracts but not necessarily to do the work of a paralegal. Therefore, this category of persons needs no accreditation.

Periodic accreditation: All persons who wish to practice as paralegals should be accredited. As is the case for practicing Advocates, we could also have a practicing certificate for paralegals renewable every three years or as the regulator shall determine based on continuous Professional development or regularity of engagement in paralegal work. The cost for the practicing certificate should be moderate or even free.

Work Supervision: The meeting agreed that in order to ensure that paralegals stick to professional ethics, adhere to standards and deliver quality services, an efficient supervision mechanism must be in place. They proposed that paralegals could be attached to a law firm or an advocate, a court of law, an NGO or Government structures within the community in which they perform their duties. This strategy could also inform the certification process.

Centralized registration: To further strengthen regulation of paralegal work, the meeting proposed that we should have a centralized system of registration for all paralegals from the point of training, details of academic certificates, the training Institution, areas of specialization, the location of operation and services offered among other details.

7. RECOMMENDATIONS

- In the interest of sustainability of legal aid services, LASPNET should be properly streamlined in the proposed National Legal Aid Policy to enable LASPs receive funding from the consolidated fund. It is important that there is a budget for legal aid and a clear cut difference of what amounts go where.
- There is need to identify a complementary role for LASPNET and other key stakeholders to play in order to inform and strengthen Uganda Law Council's regulatory role.
- Local governments should be empowered to play an instrumental role in the supervision of Paralegals who are not attached to any legal aid service provider.
- It is essential that the mediation of agreements facilitated by paralegals be recognized and enforceable because it is important to note that there are still those who cannot get through to the mainstream court system and those who can't do so definitely still need the informal system.
- We should have a uniform template for client referrals which should be able to indicate how many referrals were made by a paralegal. The key information that should be captured by these forms can be informed by the Information Management System that LASPNET is currently piloting in partnership with War child Canada in Northern Uganda.
- LASPNET should provide a guide for documentation purposes to enable paralegals to elaborately document their work.
- In order to capture the good work being done by the paralegals, we need to organize an annual engagement for them to meet, show case their achievements, share experiences and good practices and for networking purposes.

8. ADJOURNMENT

The ED adjourned the meeting noting that it is anticipated that the recommendations made will greatly inform the development of paralegal regulations in Uganda and also support future resource mobilization strategies for paralegal related activities in order to enhance access to justice.

9. APPENDICES

Appendix 1- List of Participants

S/N	NAME	ORGANISATION	DESIGNATION
1.	Matilda Makata	AIDE	Programmes Coordinator
2.	Walulya Fredrick	Micro Justice Uganda	Executive Director
3.	Salla Aureh	World Voices Uganda	Programmes Director
4.	Mwase Joseph	Kamuli Community Based Paralegal Advisory	Chairperson
5.	Josephine Kalege	Defence for Children International	Programmes Coordinator
6.	Ochen Charles	Justice Centers Uganda	Paralegal
7.	Eunice Nabafu Kimbugwe	Uganda Christian Lawyers Fraternity	Executive Director
8.	Nakimuli Isabella Janet	UGANET	Senior Legal Officer
9.	Anthony Mutimba	HRAPF	Deputy Executive Director
10.	Nanyanzi Sophiah	MCJL	Legal Officer
11.	Namulinda Annet	UYDEL	Social Worker
12.	Ann Kampire	Uganda Land Alliance	Women Land Rights Coordinator
13.	Anne Ogwero	Paralegal Advisory Services	Paralegal
14.	David Okello	Center for public Interest Law	Programmes Manager
15.	Imela Prossy	Action Against Violence	Executive Director
16.	Diana Prida	Platform for Labour Action	Legal Officer
17.	Richard N. Muganzi	LASPNET	Executive Director

18.	Ampeire Leonard	Abantu for Development	Programme Coordinator
19.	Josefin Benjaminsson	World Voices Uganda	
20.	Kaahwa Fred	AHURIO	Coordinator
21.	Ocen Joshua	Facilitation for Peace and Development	Legal Officer
22.	Ochieng Emmanuel	MIFUMI	Legal Officer
23.	Jonathan Odur	Facilitation for Peace and Development	Deputy Executive Director
24.	Mukooyo Jolly	LASPNET	Research and Advocacy Officer
25.	Berna Bakkidde Kiberu	LASPNET	Programmes Manager

Appendix 2- Programme for the Event

Date: 21ST NOVEMBER, 2013

Time: 09:00 AM – 13:00 PM

Venue: DOLPHIN SUITES HOTEL

TIME	AGENDA	RESPONSIBLE PRESENTER
09:00 - 09:30	Arrival and Registration of Participants	LASPNET Secretariat
09:30 – 09:40	Introduction of participants	Participants
09:40 – 10:00	Welcome remarks	Board member, LASPNET
10:00 – 10:30	Presentation of Progress Report on: Nature and Profiling of LASPNET Membership Nature and Regulation of Paralegals in Uganda Complementary role between ULC and LASPNET	Executive Director, LASPNET
10:30 – 11:00	Coffee/Tea Break	Dolphin Suites
11:00 – 12:00	Plenary Discussions	Session Chair, LASPNET
12:00 – 12:15	Remarks by ULC	Secretary, ULC
12:15 – 12:30	Closing Remarks	Board Member, LASPNET
12:30 – 13:00	Lunch & Departure	Dolphin Suites