



## **PRESS RELEASE**

Monday 2<sup>nd</sup> May 2016

*For Immediate Release*

### **Call on Government to fast track the passing of the Draft National Legal Aid Policy and Legal Aid Law**

The Ugandan justice system faces a number of challenges that affect its performance and delivery of justice, especially for those who cannot afford the services of lawyer. A large percentage of Ugandans cannot afford legal services due to conditions of extreme deprivation which range from poverty, vulnerability and marginalisation.

According to a report released by LASPNET in 2015 on “**Access to Justice for the Poor, Marginalised and Vulnerable people of Uganda**”, only 18% of the people in rural areas are able to access a Magistrate’s court within a distance of less than 5km compared to an overwhelming 56% in urban areas. The 2011 Uganda Demographic Health survey revealed that women from the poorest families have a higher probability of experiencing domestic violence and are as such, in dire need of Legal Aid. This position was confirmed by the recently launched report on “Justice Needs in Uganda,2016”, by Hill, a Netherlands based organisation, which stated that 88% of Ugandans had experienced one or more difficulties to resolve justice needs in the past four years, with the highest needs falling under family and domestic disputes as well as land disputes. They have limited access to information and often local councils and family members are the easiest sources of information. It is pertinent to note that over the years, the poor have benefited from legal aid services, mainly through non-state actors, for instance the 2014/15 Annual Report by the Democratic Governance Facility showed that 15 legal aid service providers had collectively handled 141,000 indigent clients directly and assisted 458,000 persons indirectly in that reporting period. The draft Legal Aid Policy, 2012, also notes that, “Uganda has approximately 1,429 advocates registered with the Uganda Law Society, however the number in actual practice is much lower. There is an acute shortage of legal practitioners in rural areas of the country, with the vast majority of lawyers (estimated 85%) being concentrated in Kampala, and most of the others serving the other main towns”.

In a bid to comprehensively address the above legal aid needs of Ugandans, the Justice Law and Order Sector (JLOS) and its partners developed the National



Legal Aid Policy (NLAP) in 2012 whose ultimate aim was to streamline legal aid service provision in Uganda. The NLAP is currently before cabinet and it has for the last two years not progressed to parliament because it is awaiting the certificate of financial implication from the Ministry of Finance and Economic Development before its adoption by cabinet. The NLAP proposes: holistic legal aid service from legal awareness, advice and education to legal representation and enforcement of rulings which unfortunately are not readily available especially for the poor and marginalized more so in the rural areas. The policy also proposes to change the current legal aid architecture through the adoption of a mixed legal aid delivery model as well as the expansion of access to legal aid services to the lowest levels of the community through use of paralegals and students in law clinics.

### **How has LASPNET contributed?**

The Legal Aid Service Providers Network (LASPNET) is a member-based organization focused on strengthening collaboration among Legal Aid Service Providers (LASPs) in complementing Government of Uganda's efforts of expanding access to justice. Within this realm, LASPNET synchronizes the execution of shared activities among LASPs with major emphasis on improving the quality of service delivery, monitoring and evaluation frameworks, supporting policy reform, capacity building initiatives, and promoting evidence based advocacy in setting the legal aid agenda.

LASPNET in partnership with JLOS and other key stakeholders in access to Justice have been at the forefront of advocating for the adoption of a NLAP as a key ingredient for establishing a national public legal aid service scheme. The biggest problem was the lack of information on the cost and benefit of legal aid to government. At the same time, there is limited appreciation among key decision makers on the benefits of state funded legal aid especially in terms of reducing the overall costs of judicial administration. Additionally, majority of the public is not aware of the fact that access to justice is a right that should be accorded to all.

It is against this background, that LASPNET conducted a Cost Benefit Analysis research (CBA) as a means of providing information for government to make an informed decision. This study interrogates the cost and benefit of the NLAP by analyzing the status of legal aid delivery as it is now as well as the benefits of legal aid in Uganda. The study also provides an estimated cost of establishing a national legal aid body as well as the required restructuring of the oversight body (Law Council) into the National Legal Aid Board.

LASPNET will therefore launch the report on 6<sup>th</sup> May 2016 at Hotel Africana, and disseminate it to key decision makers to fast track the passing of the



NLAP. Hon. Mwesigwa Rukutana, the Deputy Attorney General is expected to launch the report. This will be preceded by a weeklong awareness campaign under the theme, ***“Investing in Access to Justice for Equitable Development: - A Call for State Funded Legal Aid”***, through various media to inform the general public and key stakeholders about the status of access to justice in Uganda, and its importance to foster social and economic development. During this campaign a call will be made to all to rally behind the cause for a national legal aid policy and law in order to change the lives of majority of Ugandans.

LASPNET reminds H.E the President of the Republic of Uganda about his commitment made during his address to the 3<sup>rd</sup> Legal Aid Conference held in August 2015 at Speke Resort, Munyonyo, to support the rolling out of free legal aid services in the country.

We call on government to fast track the passing of the National Legal Aid Policy into law because it is a means to ensure equality and fairness before the law as enshrined in the constitution of Republic of Uganda

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