



## **THE REPUBLIC OF UGANDA**

### **JUSTICE LAW AND ORDER SECTOR**

#### **REMARKS BY THE HONOURABLE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS AT THE 3<sup>RD</sup> NATIONAL LEGAL AID CONFERENCE**

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Your Excellency, The President of the Republic of Uganda

My Lord, The Honourable the Chief Justice

My Lord the Honourable the Deputy Chief Justice

Honourable Ministers Present

My Lord the Principal Judge

My Lord the Director of Public Prosecution

Your Excellency the Ambassador of the Kingdom of the Netherlands

My Lords Justices and Judges Present

Members of the JLOS Leadership Committee present

Honourable Members of Parliament

Members of the JLOS Steering Committee present

Distinguished guests

Ladies and gentlemen

I take this opportunity to welcome you to this third National Legal Aid Conference organized by the Justice Centres Uganda under the auspices of the Justice Law and Order Sector and with support from the Democratic Governance Facility. This important meeting is held as a continuation of the discussion that began two years ago as a follow up to the Sector's efforts to develop a national framework for the delivery of legal aid services by the State.

The Conference and the legal aid project in general are part of the Sector's efforts to promote the rule and law and access to justice in Uganda. Since its inception and especially over the past three years, the Justice Law and Order Sector under its 3<sup>rd</sup> Sector Strategic Investment Plan, has taken steps to strengthen the justice system, particularly by enhancing access to justice. Our focus has been to strengthen the legal and policy framework for the operation of JLOS institutions, increase physical access to JLOS services and improve our observation of human rights.

Over the years the Sector has worked at development of critical infrastructure and capacity of its personnel so as to deliver core services. Through the construction of key infrastructure, the Sector has now ensured that 53% of districts have JLOS frontline services (specifically Court, DPP and Police) operating from their own premises, while 75% of districts have functional presence of JLOS services. Staffing capacity has also been enhanced in several institutions, with the DPP receiving over 80 new State Attorneys, Uganda Prisons passed out 1250 new Warders and Wardresses and the Uganda Police Force has recruited 3,500 new personnel who are now undergoing training. The Judicial Service Commission is also in the process of recruiting Judicial Officers at all levels to enhance the staff structure.

This improved physical and human resource has seen improvement in all spheres of operations. Conviction rates stand at 57%, while case disposal rates as at December 2014 were at 100% of registered cases. The Uganda Human Rights Commission reported that there had been an 11% reduction in human rights complaints against the police.

We continue to strive to improve access to justice with strong emphasis being placed on improving the situation for the most vulnerable members of society. This is guided by the drive to transform Uganda into a modern and prosperous country. Core amongst these, is the need to promote legal empowerment as a path to economic development.

The sector has taken the initiative, through the Ministry of Justice and Constitutional Affairs to propose the establishment of a national Legal Aid Scheme. This is expected to contribute to the empowerment of the people by providing legal services for the poor, women, children and the most vulnerable. It is our belief that this is one of the key tools for enhancing the ability for the most vulnerable to leverage the resource that they have and contribute to their development and the overall growth of the Nation. While poverty levels are decreasing, some Ugandans are still vulnerable to economic hardships. In addition, about 56% of the population is persons below the age of 18 years. These categories of people continue to be susceptible to challenges and upheavals that may impact on their economic development. Furthermore the majority of Ugandans live in the rural areas, while legal services are concentrated in urban centres. Almost all of the 2,071 registered practicing Advocates are concentrated in Kampala or major urban centres. As a result, the majority of the population cannot access legal services close to where they live and work.

As the economy grows and becomes more industrialized and while we encourage the populace to move into economic activities, whether in agriculture or Small and Medium Enterprises, we need to ensure that adequate services including legal assistance are brought closer to them.

Currently nine out of ten persons charged with capital offences are provided with legal aid under the State Briefs Scheme. The Sector has also established the Justices Centres Uganda as an experiment in the delivery of legal aid services by the State. This model seeks to extend the services offered beyond the State Briefs scheme to include civil justice, mediation and psycho-social support and counselling. The Justice Centres have been received very well wherever they have been established and have been able to provide an essential and much appreciated service. It is however still a pilot project in only a few selected districts.

The draft Policy proposes to establish a National Legal Aid Scheme that provides free services to all who qualify. Under the scheme, the State would provide legal assistance and legal aid to all the most vulnerable and legal representation to those who are found to qualify after applying a 'means and merits' test. It is anticipated that the Scheme will be administered by a National Legal Aid Agency under the supervision of the Law Council as the National Regulator. It is expected that the Scheme would address the existing challenges by providing a comprehensive framework for the delivery of legal aid by the State by incorporating innovations in the delivery of legal services such as the use of Paralegals to provide legal assistance particularly to suspects in places of detention, and the use of lawyers undergoing the Bar course and law students to provide legal advice and assistance in clinics and legal aid centres. The Scheme is also expected to provide a coordinated system for accreditation and supervision of all legal aid service providers. At this Conference, we expect to hear experiences and learn more about how to deliver such a service in an affordable and sustainable manner.

Your Excellency, the proposed Scheme is in line with our obligations under the Constitution and supports the National Vision and NDPII by enhancing access to JLOS services particularly for vulnerable persons. It is our view, that a society in which the most vulnerable are supported to lift themselves out of the social and economic challenges that hold back their development, through access to legal services, is a society that is enabled to grow and prosper.

I welcome you all once again to this important meeting and thank for your attention.

It is now my pleasure to invite His Lordship, the Honorable the Chief Justice to give his address.

**FOR GOD AND MY COUNTRY**

**KAHINDA OTAFIIRE (MAJ. GEN (Rtd.))**

**MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS**