



**KEYNOTE ADDRESS BY THE HON CHIEF JUSTICE OF UGANDA,
JUSTICE BENJAMIN J ODOKI AT THE OFFICIAL OPENING OF
THE NATIONAL LEGAL AID CONFERENCE HELD ON 26TH – 28TH
OCTOBER 2011 AT SPEKE RESORT, MUNYONYO**

My Lords

Honorable Ministers

Your Excellences

Members of the Leadership, Steering and Technical Committee of
JLOS

Invited Guests

Ladies and Gentlemen:

It gives me great pleasure to address you at this Conference, which has been convened to discuss the important subject of legal aid.

But first, I would like to welcome all of you for turning up for the Conference. I would like to specially welcome the Chairperson of the Legal Aid Board of South Africa for sparing your time to share with us your experiences on legal aid. We in Uganda are particularly indebted to South Africa for having given us help in establishing Justice Centres. I hope that you will find time to explore the beautiful scenery and tourist attractions that Uganda has to offer.

Secondly, I would like to thank other speakers who have spoken before me for their remarks and setting the agenda of the Conference in motion.

Thirdly, I would like to thank the Development Partners for funding the Conference and legal aid activities in Uganda.

Fourthly, I would like to thank the organizers for the excellent preparations and putting together a conference, which promises to break new ground in extending legal aid to those who deserve it most.

I consider legal aid to be the corner stone of building a just society where both the rich and poor including the vulnerable have equal access to legal and judicial services and are confident that they have the equal protection of the law.

It is therefore, gratifying to note that the conveners of this conference have found it fitting to organize this conference, which I believe will give impetus to adopting a legal aid policy and law not only in Uganda, but other countries in the region. Adopting a legal aid policy and law will further deepen access to justice and create a justice system, which is loved and respected for being balanced, fair, just, honest and responsive to the needs of its users.

In addition, it will also create a justice system where there is equality of arms surrounded by users who are confident and proud to use it to

resolve their conflicts peacefully. Within the context of Uganda, a substantive law on legal aid, will humanize the law and give meaning to article 126 of the Constitution, which provides that justice shall be administered in accordance with the norms, aspirations and values of the people.

At a higher level, the adoption of legal aid policy and law will enhance public confidence in the administration of justice because it will enable users to access court services faster and at the least cost and in a well informed manner.

You may wish to recall that the Universal Declaration of Human Rights , the International Covenant on Civil and Political Rights, the African Charter and other international Covenants entrench the right to legal aid as the basis for a fair trial and more particularly so, for indigent persons. Our own Constitution provides for an unqualified right to legal aid for persons charged with capital offences and those charged with offences that attract life imprisonment. In deserving cases, litigants in a civil trial may have fees and costs waived if the court deems the litigant an indigent person.

In Uganda , there exists different legal aid models , including those offered by civil society organizations such as the ones under the Legal Aid Service Providers Network who mainly provide legal aid for civil disputes; the Para legal Advisory Services which mainly provides legal aid to persons in prisons ; the Pro Bono scheme of the Uganda Law Society which mainly provides legal aid in civil matters ,

the State Brief Scheme under the Poor Persons Defense Act and now the Justice Centres which provides extensive legal aid for both civil and criminal cases.

Despite the shortcomings in legal aid provision in Uganda, I would like to thank all the legal aid service providers for doing a commendable job. Statistics show that close to three million people received some sort of legal aid in the previous years alone. This trend is likely to continue as society becomes more conscious, aware of their rights, obligations, responsibilities and litigious. We must therefore, be prepared to receive more clients at points of legal aid provision and at Justice Law and Order Sector points to which all cases go to.

I would like to applaud and request the development partners under the Legal Aid Basket Fund to continue funding legal aid service providers, the Justice Centres and the Justice Law and Order Sector for the time being, because it will take Uganda some time to find resources to fund an all-embracing legal aid regime.

Besides funding, I would like to urge Development Partners to continue engaging with the country to expand the definition and scope of legal aid to cover both legal representation and assistance for civil and criminal matters. Legal aid should encompass the provision of legal assistance to people otherwise unable to afford paid legal services including legal representation. Legal aid should also be provided at the beginning of the legal process for it to be meaningful.

I cannot over emphasize the benefits of a holistic legal aid scheme which this Conference is advocating. Legal aid addresses the concerns of the poor and vulnerable by focusing on overcoming challenges arising from affordability of users, lack of legal representation and exclusion of the majority due to technicalities and barriers of language, procedures ignorance of rights and the law.

Legal aid has therefore got the potential not only to enable these vulnerable groups to resolve their disputes at a family and community level but to enhance awareness of legal and human rights; empower them to claim their rights; advocate for social, policy and legal change at community and national level. Whilst legal aid interventions may not in principle transform the poverty situation of the poor, they greatly contribute to expanding freedoms and empowerment open to individuals and the community – a key ingredient of poverty reduction.

Only recently, a case was reported of a poor man who borrowed eight hundred dollars at a great cost. The contract signed between the debtor and creditor provided that if the poor man defaulted, he would be penalized at the rate of 3% per day for each day that he defaulted. He of course defaulted and now stands to pay close to three thousand dollars for failing to pay a loan of eight hundred dollars, which he borrowed about a year ago. There are also many cases of poor widows who are disinherited, children who are cheated and

many poor people who are rotting away in places of detention without hope of getting out of their predicament soon.

Such unjust situations only go to make the case for legal aid for the most deserving an urgent consideration by the state. With legal aid available, poor and vulnerable persons will be able to defend and extricate themselves from the bondages of poverty and disempowerment. Poor people will be able to protect themselves from vagaries of the law in addition to protecting their livelihoods which are critical to poverty alleviation. I therefore, urge states within the East African Region to consider prioritizing legal aid among the instruments for spurring rapid transformation of society and protecting the gains made in the last two decades which have witnessed sustained economic growth in Uganda and neighboring countries.

Governments need not fear to provide legal aid because of the cost considerations! We in the Justice Law and Order Sector have demonstrated through the Justice Centres that with minimal resources and the correct strategies, you can reach out to as many people as possible with remarkable achievements.

With the assistance from the Legal Aid Basket Fund, Justice Law and Order Sector has set up Justice Centres Uganda, to fill up the critical gaps in the Government provision of legal aid thereby completing the link between the supply and demand side. Justice Centres are a one-stop shop with a broad range of legal aid services to all categories of the vulnerable people in the community, identified

through a means and merit test. Some of these services include legal advice, legal representation, alternative dispute resolution, and awareness creation and outreach as well as counseling and other psychosocial support. The Justice Centres have a toll free telephone that people can call to get legal advice.

The Justice Centres pilot seeks to bridge the gaps and provide the Government of Uganda with the necessary experience and lessons, in providing comprehensive quality legal aid in Uganda. Two key principles inform the approach of implementation of the pilot: widening access to justice and empowering individual communities to address challenges and promote realization of their rights. These governing principles are realized through three complementary approaches; delivery of legal aid through the legal aid clinics at the Centres, the Community outreach model and legal and human rights advocacy, all delivered within easy reach of the clients.

I have no doubt that the lessons learned from the Justice Centres project and other lessons to be learned during these two days of deliberations will provide learning avenues for operationalizing legal aid provision in Uganda.

I will be particularly delighted to receive recommendations from this conference on how we can come up with an affordable, cheap, efficient and effective way of providing legal aid and assistance to the most deserving; how we can fund such a scheme and how we can make use of all partners who have and continue to provide legal aid

to the indigent. I will also be happy to receive recommendations on how we can ensure timely provision of quality legal aid to the most disadvantaged that are difficult to reach. Your recommendations will no doubt enrich the legal aid policy and law which, Uganda is currently developing.

It is therefore my singular honor to declare the Conference officially opened.

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