

**THE NATIONAL VALIDATION WORKSHOP FOR THE DRAFT NATIONAL  
LEGAL AID POLICY**

**Speke Resort, Munyonyo**

**16<sup>th</sup> February 2012**

**WELCOME REMARKS BY**

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**HEAD OF PROGRAMME**

**DEMOCRATIC GOVERNANCE FACILITY**

**My Lord, The Chief Justice,  
My Lords, Justices of the Courts of Judicature,  
Honourable Minister of Justice and Constitutional Affairs,  
Your Excellences,  
Honourable Members of Parliament,  
Members of the JLOS Leadership, Steering and Technical Committees  
Development Partners,  
Invited guests,  
Ladies and Gentlemen,**

Good morning,

I am delighted and feel honored to be invited to give welcome remarks at the National Validation Workshop for the draft National Legal Aid Policy.

First and foremost, I would like to welcome everyone to the validation workshop.

Ladies and Gentlemen, first, allow me to provide you with a brief on the new development assistance programme – The Democratic Governance Facility.

The Democratic Governance Facility (DGF) is a multi-donor facility aimed at contributing to addressing challenges in areas of democratic governance in Uganda. This is, in part, in response to the aspirations of the 1995 Constitution and Uganda's National Development Plan (NDP) for 2010/11 - 2014/15. It is also in view of the governance deficits identified in among others by the APRM Programme of Action. The DGF is building on past programmes, such as was carried out by DANIDA Human Rights and Good Governance Programme.

The purpose of the DGF Ladies and Gentlemen is to strengthen democratization, protection of human rights, access to justice, peaceful co-existence and improved accountability in Uganda. The facility harmonises development partner support to selected public institutions and civil society organisations.

There are eight Development Partners that established the Democratic Governance Facility (DGF) and these include: Austria, Denmark, the European Union, Ireland, the Netherlands, Norway, Sweden and the United Kingdom.

Notably, the DGF seeks to address governance challenges identified through three separate but interlinked programme components:

**Component 1: Deepening Democracy** includes three inter-linked and mutually supportive sub-components: *Political Responsiveness and Accountability; Democratic Culture, Space and Values and Integrity of Democratic Processes.*

**Component 2: Rights, Justice and Peace** focuses on: *Promotion and Protection of Human Rights; Access to Justice* which provides avenues for pursuing rights and accessing justice through legal aid, alternative dispute resolution, advocacy etc. and the component also focuses on *Peace and Reconciliation.*

**Component 3: Voice and Accountability** is strengthened accountability and transparency of service providers at state and local government level. The component hinges on *Local Accountability Networks and Partnerships; Improved Basic Service Delivery to Poor, Vulnerable and Socially Excluded Groups and harnessing Natural Resources for Better Service Delivery.*

I am aware that one of the goals of this conference is to develop a common shared vision for the future of legal aid in Uganda through validating the draft National Legal Aid Policy.

For the people living in Uganda who cannot afford legal aid services, this is a commendable development. It is also commendable that the Government of Uganda is taking steps to comply with its international human rights obligations, through domesticating international provisions that it has ratified. We particularly would like to commend the Justice Law and Order Secretariat that is taking lead on the national legal aid policy and Legal Aid Bill development process.

Ladies and gentlemen, Access to justice is an inalienable right provided for under international law that should be enjoyed by people the world over. Human rights standards demand for equality before the law, the right to be heard, fairness of trial, and access to justice among other basic human rights.

In Uganda, a general overview of the state of access to Justice in Uganda exhibits critical gaps in access to justice for the majority of the population in Uganda. This is attributable to a number of factors, which include but may not be limited to:

- (a) The limited geographical availability of legal aid services (there are regions in Uganda where not a single legal aid service provider is working and there are equally regions in which only a very limited number of advocates is available).
- (b) The limited right to representation at court (the State is only providing for an advocate in case the accused is charged with a capital offense) and weaknesses in the current state brief scheme (e.g. advocates often see their clients for the first time at the hearing in court).
- (c) The undefined role of the government in guaranteeing the provision of legal aid

Suffice to note, access to justice presupposes:

1. That the law in place is fair and representative of the needs that it intends to serve.
2. That the rights holders are aware of their rights under the law.
3. That the rights holders are able to enforce these rights.
4. That the redress and enforcement institutions are in place and accessible to the rights holders.

Against this backdrop, there are 5 key elements which we hope Uganda will adopt in the National Legal Aid Policy and these include:

- a) Define the scope of legal aid and persons eligible to access legal aid.
- b) Identify and recommend the models of service delivery to be used.
- c) Identify sources of funding and propose funding mechanisms.
- d) Propose an institutional framework for legal aid provision as well as identifying with justification the host institution.
- e) Provide for formulation of effective laws.

Additionally, this national validation workshop will agree that the state is the key duty bearer to ensure equitable access to justice for all persons including through the availability and accessibility of acceptable institutions and mechanisms and quality services. There are also on-going complimentary efforts by non state actors to enhance access to justice which are laudable.

Ladies and Gentlemen, DGF is committed to increase donor support for legal aid services working with current and new partners. The DGF has tentatively set aside USD 10 million over the coming four years to enhance access to justice through support to legal aid service provision.

We are eager to see this workshop coming to a consensus on the draft Legal Aid Policy, which will provide the basis for further donor funding for the expansion of legal aid services.

We are also zealous to find cost-effective ways to expand the scope of legal aid services and in this context also consider how Alternative Dispute Resolution can contribute to an expedited process of service provision.

We are obliged to get 'Value for Money' from the interventions where we invest. Ladies and Gentlemen, tax payers in the donor countries are inquiring on how much of what we invest is directly benefitting poor women, men and children in Uganda - They are less enthusiastic in lavish 'talk shops'- but more passionate on how well we *concretely* improve access to justice and security for ordinary Ugandans.

Ladies and Gentlemen, whilst the Development Partners were involved at various stages in the development of the policy and we will actively participate in today's workshop, development partners will send consolidated comments to the JLOS Secretariat after this workshop.

I wish you fruitful deliberations, Thank You.

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