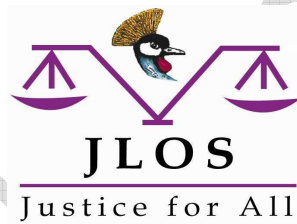


THE REPUBLIC OF UGANDA



JUSTICE LAW AND ORDER SECTOR



Welcome Remarks

By

The Hon. Maj. Gen. Kahinda Otafiire
Minister of Justice and Constitutional Affairs

Speke Resort Munyonyo

16th February 2012

My Lord, The Hon. Chief Justice

Hon. Ministers present

My Lords, Justices of the Courts of Judicature

Your Excellencies, Members of the Diplomatic Corp

Hon. Members of Parliament present

Members of the JLOS Leadership and Steering Committees

Representatives of Civil Society

Distinguished participants

Ladies and Gentlemen

Allow me to take this opportunity to warmly welcome you to this meeting and to thank you all for responding so graciously to our invitation.

A few months ago, we gathered here under the auspices of the Justice Centres Uganda to consider the Constitutional right to Legal Aid and to share experiences and visions for the future of legal aid in Uganda. The conference recognized that legal aid is the cornerstone of a just society where all people including the

poor and vulnerable have equal access to legal and judicial services. The meeting also acknowledged that the State's obligation to provide comprehensive and quality legal aid in Uganda is undeniable although the express provision in the Constitution refers to legal representation in limited circumstances.

Dr. E.J Cohn in his book "Legal Aid for the Poor"¹, stated that,

"Legal Aid is a service, which the modern state owes to its citizens as a matter of principle. It is part of the protection of citizens' individuality which in our modern conception of the relationship between the citizen and state, can be claimed by those citizens who are too weak to protect themselves. Just as the modern state tries to protect the poorer classes against common dangers of life, such as unemployment, disease, old age, social oppression etc ... so it should protect them when legal difficulties arise. Indeed the case for such protection is stronger than the case for any other form of protection. The State is not responsible for outbreaks of epidemics, for old age or economic crises. But the

¹ Cited in Tom Bingham – "Rule of Law".

State is responsible for the law. That law is made for the protection of all citizens, poor and rich alike. It is therefore the duty of the State to make it's machinery work alike, for the rich and the poor”

As Government, we acknowledge this responsibility as a core principle to be attained through deliberate policy and action. The Government, as expressed in its manifesto, is committed to protecting and defending the Constitution and the interests of the formerly marginalized groups and has pledged to continue to work to protect and defend human rights and freedoms of the people of Uganda.

To this end, the Justice Law and Order Sector with support from the then DANIDA HUGGO and now the Democratic Governance Facility, has embarked on a process to fully implement the provisions of Article 28 of the Constitution and develop a policy to provide for a comprehensive scheme for legal aid. This scheme should guide the implementation of legal aid services in their broadest sense, taking us beyond the current scheme of legal representation in certain criminal matters to the full spectrum of legal assistance and representation in all spheres of law and

human rights. It is through such a scheme that we can make bolder steps towards justice for all.

It is our intention that this scheme should become a living part of our justice system and not just a black and white document. It is our intention to provide within the policy for the strengthening of the regulatory structures for legal aid service provision and to ensure uniformity in the application and quality of the service provided.

We further intend to provide for structures through which the State can fulfill its obligation and provide holistic legal aid services to all persons who require it. With these structures clearly developed and established, we can then take the necessary steps to ensure that adequate resources are mobilized to implement this policy.

This draft policy therefore, will be the starting point of this process. Our task as stakeholders in this process is to ensure that the policy we develop reflects the needs and aspirations of the most vulnerable in our society. Judging by the wealth of

experience gathered here, I am confident that we will attain this goal.

I once again welcome you to this conference and thank you for your support to this task.

It is now my honour to invite the Honourable chief Justice of Uganda to give his address and officially open this conference.

Maj. Gen. Kahinda Otafiire

Minister of Justice and Constitutional Affairs

16th February, 2012