

**WELCOME REMARKS BY THE HON THE CHIEF JUSTICE AT  
THE 3<sup>RD</sup> NATIONAL LEGAL AID CONFERENCE HELD AT  
MUNYONYO ON 10<sup>TH</sup> AUGUST 2015.**

Your Excellency the President

The Deputy Chief Justice

The Principal Judge

Honourable Ministers

My Lords

Your Excellencies

Heads of JLOS Institutions

Invited Guests

Ladies and Gentlemen

It is a great honour for me to warmly welcome you to the 3<sup>rd</sup>  
National Legal Aid Conference.

On a special note, I would like, on behalf of the Justice Law and  
Order Sector, Justice Centres Uganda, conference participants and  
myself, to welcome His Excellency, the President, to this  
Conference. I am grateful to the President for accepting to

officially open this Conference and for prioritising and endorsing legal aid on the Government's legislative agenda. Your Excellency, we fully support your efforts to entrench the rule of law in Uganda as demonstrated in your relentless commitment to restoring peace and stability at home and beyond.

With your Government's support, we have improved the quality of investigations, prosecutions and adjudication of cases. The rate of re-offending in the prisons remains one of the lowest in the world. The Uganda Police Force on the other hand, through proactive policing, has managed to register the lowest crime levels in the Region. The courts, continue to register increasing case disposal rates despite the hurdles that stand in their way. These achievements underscore the Government's commitment to good governance and prioritisation of the common person in the development agenda.

The theme of this Conference **"Sustainable Funding and Delivery of Legal Aid by the State"** is in response to the urgent need to address the injustice and delays in the administration of justice which the public often endure in using the

justice system in Uganda. On average, cases take too long to resolve, resulting in low public confidence in the administration of justice.

For the poor and vulnerable, it is often an uphill task to win a case against a well oiled and rich opponent who can afford the best lawyer in town. Many litigants complain about the unfairness of the justice system because they do not fully appreciate the intricacies of the legal system or are let down by corrupt practices. It is a truism that the public rightly feel disempowered and disjointed from a justice system which they do not comprehend and have no comfort in securing their hard earned life and property.

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Your Excellency, the common person needs empowerment to benefit from the justice system! We need to empower and capacitate the ordinary person to be the master of his or her own destiny in searching for justice.

The public needs Legal Aid, to meaningfully engage and effectively make use of the legal system and to enjoy the full breadth and

freshness of the Constitution which guarantees the various rights to a fair trial. In this regard I would like to emphasise that Article 21 (1) of the Constitution, provides that

**All persons are equal before and under the law in all spheres of political, economic , social and cultural life and in every other respect and shall enjoy equal protection of the law .**

Clause 2 of Article 21 provides that:

**Without prejudice to clause (1) of this Article, a person shall not be discriminated against on the ground of sex, race, colour , ethnic origin, tribe , birth , creed or religion, social or economic standing , political opinion or disability.**

Cluase 1 and 2 of article 21 of the Constitution, when read together with the need to provide affirmative action to the vulnerable, therefore, places an obligation on the state to provide legal aid to the indigent.

In as much as there is equality before the law, there exists unequal treatment in Uganda's justice system. Legal aid is, therefore needed to reduce the inequality in the justice system. It

is unacceptable that the rich, who can afford the services of the best lawyers, have more or less assured outcomes in court, while the reverse is true for the poor. The poor are left to depend on the goodwill of the system, which as we know lacks the tools and resources to even meet minimum standards.

The legal system urgently needs to reduce the gap between the rich and the poor to healthy levels to promote the overall good of society. We must be alive to the fact that societies that have high levels of inequality, are generally unstable, unhappy and prone to social disputes and conflicts. Uganda which has experienced conflicts in the past, can therefore, use legal aid to break down barriers of inequality by embracing policies that promote the overall well being of all through an effective and holistic legal aid regime.

There is no doubt that expanding legal aid in Uganda will cost and put pressure on the stressed national budget. Government can draw lessons from a pilot programme conducted by Justice Centres Uganda, which has successfully piloted legal aid across the country in the last five years. Results demonstrate that legal aid

can be delivered at affordable rates if persons who are entitled to legal aid are carefully chosen.

Justice Centres Uganda has also demonstrated that one can use a few dedicated and well paid lawyers to represent a multiplicity of clients, substantially reducing the cost of legal representation. Thirdly, it has also been established that you can comfortably deliver legal aid by using a mixture of public and private actors across the country.

Fourthly, that we can rely on paralegals who possess enormous potential to extend legal aid to the indigent, who are in places that traditional lawyers cannot reach. Fifthly, that legal aid should go beyond legal representation because most disputes require a mixture of legal and non legal remedies that the traditional system cannot provide. Such remedies include counselling and psychosocial support.

Last but not least, that the state can use similar structures like those in the Directorate of Public Prosecutions to establish the

Office of Public the Defender to handle legal aid for persons charged with offences that attract a custodial sentence.

Your Excellency, Ladies and Gentlemen, the establishment of a holistic legal aid system in Uganda is long overdue and, therefore, requires the wholehearted support of Government.

I therefore, call upon Government to enact the Legal Aid Policy and enact the Legal Aid Act.

It is now my honour and pleasure to invite you, Your Excellency, to officially open the 3<sup>rd</sup> National Legal Aid Conference.

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**Bart M Katureebe**  
**CHIEF JUSTICE**