
Uganda

Law & policies

The Ugandan Constitution of 1995 recognizes the right to legal aid (in terms of representation) only for criminal suspects in cases involving a life sentence or death.¹ There is a draft National Legal Aid bill which was presented to parliament on 28 September 2022. Additionally, a draft National Legal Aid Policy recommends the establishment of an independent legal aid institution² and legal aid fund.³

Ratio of lawyers to paralegals

The Uganda Law Society does not provide data for the number of lawyers on its website. The Legal Aid Service Providers Network (LASPNET) is a network of 51 organizations⁴ providing legal aid, including paralegal services. It is the main network bringing together organizations providing paralegal services. Paralegal Advisory Service (PAS) is another.⁵ Neither has a comprehensive list or the number of paralegals in the country.⁶

Sources of funding

Donors primarily fund the main paralegal providers in Uganda – LASPNET and PAS.

¹ Constitution of the Republic of Uganda 1995

<https://www.constituteproject.org/constitution/Uganda_2017.pdf?lang=en> accessed 15 May 2023.

² Draft National Legal Aid Policy, 2012, p. 5 <<https://laspnet.org/joomla-pages/policy-documents/national-policies/157-draft-national-legal-aid-policy-draft-6-2/file>> accessed 15 May 2023.

³ Ibid, p. 7

⁴ Including Kamuli Community based Paralegals Association, Human Rights Awareness & Promotion Forum (HRAPF), Foundation for Human Rights (FHR) and the Legal Aid Project of the Uganda Law Society. For a full list of organizations, see <<https://laspnet.org/membership/member-organizations>> accessed 23 May 2023.

⁵ PAS deploys its paralegals to criminal justice institutions – police stations, courts and prisons. See <<https://pasuganda.org/our-work/>> accessed 23 May 2023.

⁶ As of January 2021, PAS coordinated over 200 paralegals working with justice institutions across Uganda. However, it acknowledged that majority of the “paralegals” do not qualify as paralegals under the Advocates (Legal Aid to Indigent Persons) Regulations 2007. See Edwiner Aruhanga, “The work of paralegals in Uganda’s criminal justice system.” Paper presented at the East & Horn of Africa Paralegal Network Conference, Tanzania, 26-27 January 2021 <<https://pasuganda.org/demonstrating-the-role-of-paralegals/>> accessed 23 May 2023.

Legal recognition

There is no national legislation legally recognizing paralegals. However, the Advocates (Legal Aid to Indigent Persons) Regulations 2007 made according to the Advocates (Amendment) Act 27 of 2002 recognizes paralegals as legal aid providers. It is important to note that this essentially means that paralegals are legally recognized only concerning obligations created under the Advocates Act.

Challenges of paralegals

The first challenge relates to the limited recognition and limited regulation of paralegals which directly impacts their acceptability and protection in the communities. The second challenge relates to funding. Paralegal organizations are heavily dependent on donor funding for their work. This often means that when the project cycle ends, paralegals must find alternative employment and the work often ends. Finally, the challenge of non-recognition and limited integration also means that traditional institutions often feel threatened by paralegals who undertake activities previously exclusively conducted by traditional institutions, such as mediation.

Opportunities for Collaboration

The friction between traditional leaders and paralegals presents both a challenge and an opportunity for collaboration. It should be possible to improve relations by involving these leaders in the identification, training and oversight of paralegals. To prevent abuse, paralegal organizations have to provide appropriate guidance. They could also reach out to paralegal organizations outside Uganda for best practices for dealing with difficult traditional leaders in the framework of paralegal programmes.

Recommendations

It is about time for the government of Uganda to pass the National Legal Aid Bill and approve the National Legal Aid Policy so as to enable the establishment of an independent legal aid institution, the establishment of a legal aid fund and the launch of a national legal aid scheme. These innovations are necessary to advance the cause of legal aid and by extension, recognize and promote the work of paralegals in Uganda.

To reduce the friction and mutual suspicion between traditional institutions and paralegals, we recommend the involvement of traditional institutions in identifying paralegals as well as an extension of the training programmes to include traditional and religious leaders just so they

can have a greater sense of ownership in the programme. In addition, a clear delineation of functions might help reduce tensions relating to encroachment on the roles assigned to traditional institutions.