



THE WORK OF PARALEGALS IN UGANDA'S CRIMINAL JUSTICE SYSTEM

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INTRODUCTION

In Uganda's context, a Paralegal is defined as one who holds a qualification in law, other than a degree and who is recognized by the Law Council (According to the Advocates (Legal Aid to Indigent Persons) Regulations, 2007). Majority of the paralegals do not meet this qualification and are referred to as community-based paralegals. There is no other legal framework in the country recognizing or guiding the work of paralegals. With absence of a legal framework regulating paralegal work in the country, we work closely with Legal Aid Service Providers to penetrate the grassroots.

I have worked with the Paralegal Advisory Services (PAS) since 2005. It coordinates over 200 paralegals who are stationed across the country within justice institutions such as Police, Prisons and Courts of Law rendering support to criminal cases, and have been very instrumental in the decongestion of prisons and providing legal aid services to the poor and vulnerable persons in conflict with the law.

OBJECTIVE OF PAS

To improve access to justice for the poor and vulnerable persons in Uganda through the following specific objectives;

- To increase access to justice for suspects in police stations

- To increase access to justice for detainees charged with petty offences
- To increase access to justice for detainees charged with capital offences
- To increase access to justice for juveniles
- To increase accountability of justice institutions to JLOS criminal justice standards.
- To establish a sustainable, cost effective mechanism for legal advice and assistance to criminal justice detainees

Experience sharing on paralegal work

1. Basic sensitization and screening at police

In a bid to assist suspects to access justice at police, paralegals empower suspects at police stations and enhance their rights to demand for justice.

Paralegals working with the police ensure that minor cases are diverted away from the formal justice system to Alternative Dispute Resolution Mechanisms such as mediation and reconciliation methods. Attending suspects parades helps in identifying such minor cases with priority to the elderly, sick and juvenile petty offenders.

With the use of more focused legal and human rights awareness platforms to suspects at police, paralegals sensitize suspects and their relatives on legal matters, procedures of accessing justice at police and human rights especially when a suspect has just been arrested, he or she becomes aware of the 48 hours rule and their right to bond before bringing them to court. This helps to reduce overstay of suspects in police custody.

2. At prison paralegals do the following; -

- They trace sureties and empower them to demand for access to justice for the accused persons by obtaining court bond and bail.
- They advocate for community service sentences through identifying and sensitizing all petty inmates.

- They Link prisoners with the outside world by making phone calls and physically tracing their sureties and relatives.
- They empower inmates to self-represent by sensitizing them on court procedures like how to cross examine the witnesses and bargain for lesser sentences, plea-bargain and how to qualify for it.
- They intervene in identifying capital offenders who need representation and link them to advocates.
- They help in identifying the first in and out procedure for capital offenders to be cause listed.

3. Work at remand home

- Paralegals assist juveniles in remand homes to access justice through tracing parents and guardians, follow up their cases in the justice system.
- Through these actions, juveniles access police bond, bail and their cases are fast tracked in the system.
- Paralegals monitor and represent the interests of juveniles in adult prisons, and request for their release to concerned authorities.

ADHERENCE TO PERFORMANCE STANDARDS.

Paralegals work with the major criminal justice institutions including Police, DPP's offices, Magistrates' Courts, High Court and Prisons on a daily basis. They also participate in the District Coordination Committees and work closely with other legal aid service providers and advocates in the respective districts.

Paralegals hold justice institutions accountable to Justice, Law and Order Sector (JLOS) standards through civic engagement with stakeholders including Police, Directorate of Public Prosecutions, Courts of Judicature and Prisons through District Chain linked Committee (DCC) meetings.

Screening and follow up of cases: - The team screen and follow up the submitted lists of overstayed remand prisoners to the trial Magistrates to ensure that they are produced in court so that justice is dispensed without delay.

The team also liaises with the offices of the Resident State Attorneys and Director of Public Prosecution and present issues to help inmates access justice in time. This especially helps suspects who have overstayed in police cells and capital offenders who have completed the mandatory remand period and are not yet committed to High Court.

Achievements and contributions of Paralegals:

- Reduction of overstay of petty offenders on pre-trial.
- Reduction of the proportion of remand prisoners from 63% in 2005 to 53 % in 2014.
- Increased confidence of the public in the formal justice system hence increased demand for justice.
- Paralegals have given a human face to administration of justice. Litigants and accused understand access to justice processes and procedures better.
- Reduction of case backlog and congestion in police cells and prisons through follow up for expeditious trial
- Paralegals have helped to promote government programmes for example Plea Bargain which has yielded quick results to help capital offenders access quick justice.

Challenges faced during and after implementation

- Absence of a legal framework governing the work of paralegals.
- Failure to recognize the work of paralegals by the justice system.
- Resistance from the legal profession who often times underrate the educational level of paralegals.
- Little or no documentation of paralegal work hence failure to measuring the impact of paralegals work on ground.
- Failure to sustain project funds which causes mistrust in the clients we help.
- Government delay to absorb paralegals in their budget

- Poor remunerations for paralegals which affects their motivation to offer services.
- Delayed responsiveness of the justice systems to some local initiatives
- Increased incidents of corruption which undermine the efforts to realise justice and access to justice services.
- Limited training for paralegals on the available laws and their applicability

Lessons learnt

- Team work is very crucial in realizing delivery of justice.
- Capacity building for all stakeholders has improved the demand and supply of justice
- Participation in government programs like plea bargain and community service has increased recognition and demand for paralegal services by both inmates and stakeholders as well as improving the working relationships.
- The District Chain Linked Committees have relied on paralegals' reports for quick identification of issues arising in the justice system. Interventions also contribute to holistic legal aid service delivery.
- Paralegals involvement in community engagements has complemented the sensitization conducted in the communities hence reaching a wider section of the population.

Recommendations

1. Roll out of the plea bargain program to cover all high court circuits as this has been a proven strategy for fast decongestion of police cells especially for capital offenders. Additionally, lawyers appointed to handle plea bargain cases need more sensitization on the program before they handle similar cases to allow for full participation of all parties which was previously ignored by the lawyers in a bid to conclude cases in a short time.
2. High court sessions should focus on inmates who enter a plea of not guilty and wish to undergo a full trial because those who enter a plea of guilt have the alternative of benefiting from plea bargaining and plea of guilt sessions.
3. The benchmarking and replication of good practices that have worked in another site or country will definitely increase the levels of access to justice.
4. Paralegals should be given recognition by law and motivated to sustain their services through government budgetary allocations for sustainability.

5. Continued capacity building for the paralegal teams especially in the ICT's that can assist to enhance service delivery.
6. There is need to organize benchmarking visits at regional and national level to enable paralegals share experiences and learn from each other.

PAS UGANDA

Good practices

- Attending DCC meetings which create a platform for other JLOs actors to appreciate the paralegal work in the community and address issues affecting paralegals in the implementation of their work.
- Attending court open days to create awareness and curb the negative perception of the public towards the work of paralegals.
- Adopting Alternative Dispute Resolution Mechanisms like Mediation and Reconciliation which are more effective for resolving petty offences.
- With absence of a legal framework to guide the work of paralegals, the legal aid policy has filled the lacuna in guiding and recognizing the role of paralegals in the administration of justice.
- Paralegals have been relied on by Legal Aid Service Providers to penetrate grassroots communities with legal awareness and education.

CONCLUSION

Amidst all the challenges faced by paralegals in Uganda, they still play a very critical role of extending legal services to the vulnerable and marginalized persons at the grassroots. I appreciate the East and Horn of Africa Paralegal Network for organizing this conference where as paralegals we can share experiences and learn best practices from each other. I commit to share what I will learn here with my colleagues in Uganda to better our service delivery and promote Access to Justice. I would also like to extend my sincere appreciation to LASPNET and FIDA Uganda for nominating me to represent the paralegals in Uganda.

Thank You!