

Pro Bono Practices and Opportunities in Uganda¹

I. Introduction

Article 126 (2) of the Constitution of the Republic of Uganda provides that in adjudicating both civil and criminal cases, the courts shall, subject to the law, administer justice to all irrespective of their social or economic status. Despite this constitutional requirement, there remains gross inaccessibility to justice in Uganda due to a variety of reasons including poverty, a highly understaffed judiciary and illiteracy. Pro bono services are therefore in great demand in Uganda. There is a relatively large network of pro bono services available across Uganda, with the majority of these being provided by non-governmental organizations. However, these services are not widely available – most are located in urban areas, such as Kampala (due to easy access to utilities, communication services and the courts), whereas 87% of Ugandan citizens live in rural areas. There is therefore still an issue with access to justice for the majority of citizens. Pro bono organizations are mainly concentrated in the major cities and pro bono services are primarily provided by Justice Law and Order Sector institutions (“JLOS”) and civil society organizations² that are key to providing pro bono services to the poor and marginalized groups in Uganda.

The Advocates Act (Cap 267) (the “**Advocates Act**”) is a key development in improving access to justice for vulnerable citizens in Uganda. However, without a developed, comprehensive policy to provide effective and efficient legal aid services, there is still a large, unmet demand for pro bono services in Uganda. The government has endeavored to address this service gap by adopting the JLOS. JLOS is a sector wide approach which brings together institutions (with closely linked goals of administering justice as well as maintaining law and order and human rights) to develop a common policy framework³. This holistic approach aims to improve access to justice and has implemented a sector wide approach to planning, budgeting, programme implementation, monitoring and evaluation associated with such access. The overall goal of the JLOS is to promote the rule of law. The sector in the Third Strategic Investment Plan (“**SIP III**”) aims to ensure that 70% of the population in Uganda is satisfied with JLOS services. Three outcomes are envisaged at the end of SIP III:

- (i) the strengthening of the policy and regulatory framework;
- (ii) increasing access to JLOS services (particularly for the marginalized and the poor); and
- (iii) the promotion of human rights and accountability.⁴

However, as JLOS is still at the development stage, this leaves pro bono services as the sole option for many Ugandans confronted with legal issues.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The legal profession in Uganda is regulated by the Uganda Law Council (established by Section 2 of the

¹ This chapter was drafted with the support of Primah A.Kyambadde of MMAKS Advocates.

² See Anthony Conrad K. Kakooza, Pro Bono Publico and Its Administration in Uganda, ACADEMIA.EDU, available at

http://illinois.academia.edu/AnthonyKakooza/Papers/1608827/PRO_BONO_PUBLICO_AND_ITS_ADMINISTRATION_IN_UGANDA (last visited on October 2, 2019).

³ See <https://www.jlos.go.ug/index.php/about-jlos/our-history> (last visited on October 2, 2019).

⁴ See <https://www.judiciary.go.ug/data/smenu/104/Justice%20Law%20and%20Order%20Sector.html> (last visited on October 2, 2019).

		<p>Advocates Act (as amended)) (the “Law Council”).⁵</p> <p>The roles of the Law Council under the Advocates Act include: (i) general supervision and control over professional legal education in Uganda; (ii) general supervision and control over the provision of legal aid and advice to indigent persons; and (iii) advising and making recommendations to the Ugandan government on matters relating to the profession of advocates.</p> <p>Every advocate whose name has been entered onto the roll of advocates is required to obtain an annual practicing certificate issued by the Law Council.</p> <p>All practicing attorneys may subscribe to the Uganda Law Society which is established by the Uganda Law Society Act (Cap 276) (the “ULSA”). The Uganda Law Society provides professional services, resources, support and benefits to its members and engages in activities to try to improve access to justice in Uganda. The Uganda Law Society is also involved in negotiating with and lobbying the profession’s regulatory bodies and the government.⁶</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>The Law Council (through the Committee on Legal Education and Training) exercises control over and supervises professional legal education in Uganda.</p> <p>The Committee on Legal Education and Training (the “Committee”) was introduced by the Advocates (Amendment) Act 2002 and is composed of:</p> <ul style="list-style-type: none"> • an experienced law teacher; • a judge of the courts of Judicature appointed by the Attorney General in consultation with the Chief Justice; • the Dean of the Faculty of Law of Makerere University or their representative; • the Director of the Law Development Centre or their representative; • a representative of the Uganda Law Society;

⁵ See <http://lawcouncil.go.ug/#> (last visited on October 2, 2019).

⁶ See <http://www.uls.or.ug/members/benefits-to-members/> (last visited on October 2, 2019).

		<ul style="list-style-type: none"> • a representative of the Ministry responsible for justice appointed by the Attorney-General; • one person nominated by institutions engaged in continuing legal education and appointed by the Law Council; and • a representative of the ministry of education appointed by the minister of education. <p>The functions of the Committee include:</p> <ul style="list-style-type: none"> • serving as the medium of the Law Council in exercising general supervision and control over professional education in Uganda; • approving courses of study; • prescribing professional requirements for admission to the post-graduate Bar course; • prescribing qualifications necessary for eligibility for enrolment as an advocate; • conducting and promoting continuing legal education for qualified legal practitioners; and • prescribing standards and courses for training. <p>The Uganda Law Society (according to §3(a) of the ULSA) also has the role of maintaining and improving the standards of conduct and education of the legal profession in Uganda.</p> <p>Attorneys in Uganda are referred to as “advocates” once they are certified to appear before a court. An advocate is an attorney who is enrolled to the Bar and has a right to an audience before the court. An attorney who is not an advocate cannot appear before the court.</p> <p>Under the Advocates Act, a person is eligible to become advocate where such person:</p> <ol style="list-style-type: none"> a) is the holder of a degree in law granted by a university in Uganda; b) is a Ugandan citizen and is: <ol style="list-style-type: none"> i. a holder of a degree in law obtained from a university or other institution recognized by the Law Council in a country operating the common law system;
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		<ul style="list-style-type: none"> ii. has been enrolled as a legal practitioner or equivalent name or description, in any country operating the common law system and designated by regulations set out by the Law Council; and iii. holds a qualification that would qualify him or her to be enrolled in any country operating the common law system and designated by the regulations set out by the Law Council. <p>To become an attorney, one must obtain a Bachelor of Laws from an approved undergraduate university. Attorneys who wish to become advocates must pass a bar course offered by the Law Development Centre in Kampala or obtain a certificate of eligibility from the Law Council based on the grounds that they have qualified in a jurisdiction operating the common law system. In addition, an advocate who has taken the Bar Course from the Law Development Centre must have completed an internship or clerkship lasting for 2.5 months while an advocate who has qualified in another common law jurisdiction is expected to have completed training for one year.</p> <p>The Law Council may recommend that foreign attorneys attend core subject classes at a Ugandan university before they can be admitted. There are no existing bilateral treaties in place allowing qualified lawyers from any other country to practice in Uganda.⁷</p>
(b)	Pro Bono Practice and Culture	
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Advocates Act established the Law Council which is mandated to exercise supervision and control over the provision of legal aid and pro bono services to indigent persons. It has tasked the Uganda Law Society with carrying out pro bono in Uganda. The Uganda Law Society established the Pro Bono Project in 2008 and since then a vast number of attorneys have participated and offered pro bono services to the public. At a regional level, it is also possible to join the East African Law Society.</p>

⁷ See http://www.ibanet.org/PPID/Constituent/Student_Committee/qualify_lawyer_Uganda.aspx (last visited on October 2, 2019).

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>The Law Council established the Pro bono (Services to Indigent Persons) Regulations SI No. 39 of 2009 (the “Advocates Regulations”) under which advocates are required to provide forty (40) hours of pro bono services annually or make payment in lieu.⁸ It specifies the nature of pro bono services and the areas of law in relation to which professional services can be rendered. It empowers the Law Council to establish a pro bono scheme and sets up a board of trustees to manage the same. Where it is determined that an advocate has not fulfilled the relevant requirements, their practicing certificate is not renewed.⁹ This is also applicable to in-house attorneys.</p> <p>As a result, newly qualified attorneys have been drawn to law firms that actively provide pro bono services. They often provide support for attorneys seeking to comply with this new requirement and are given credit for their pro bono hours in meeting billable targets. Separately, this enables attorneys to give back to the community, access training opportunities, gain court room experience at an earlier stage and take on matters that they otherwise would not participate in mainstream practice.</p> <p>However, there are concerns that too many attorneys may decide to pay the opt out fee, leaving more economically disadvantaged attorneys to provide pro bono work.</p> <p>The Advocates Regulations which made it mandatory for every attorney to provide 40 hours of pro bono legal services per year, are not yet operational. While attorneys who do not provide 40 hours of pro bono services a year must pay a fine, the Law Council has not yet created a pro bono account to receive such funds. As a result, few attorneys provide voluntary pro bono services to members of the public.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement for aspiring lawyers to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p> <p>However, the Advocates (Amendment) Act and the Advocates (student Practice) Regulations, S.I 70 of</p>

⁸ See <https://namati.org/wp-content/uploads/2015/12/Access-to-Justice-for-the-Poor-Marginalised-and-Vulnerable-People-of-Uganda.pdf>, p.77 (last visited on October 2, 2019).

⁹ See <https://www.monitor.co.ug/OpEd/Letters/-/806314/1333460/-/11d0ra6/-/index.html> (last visited on October 2, 2019).

		2004 enable students seeking the acquisition of professional skills or experience for the purpose of enrolment and audience to practice if an advocate with a valid practicing certificate accompanies them. ¹⁰
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?		<p>The two areas that are in most need of pro bono services in Uganda are land law and family law.</p> <p>Other areas also include: child welfare and protection, employment law, probate law and human rights (specifically, women's rights).</p>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?		<p>The majority of pro bono services in Uganda are provided by non-governmental organizations with the majority located in urban areas. However, most of the urban located non-governmental organizations have outreach programs that take them to rural areas regularly.</p> <p>The Pro Bono scheme of the Uganda Law Society was initiated as a pilot project by the Uganda Law Society in partnership with the Ministry of Justice and Constitutional Affairs and the Law Council, supported by the Legal Aid Basket Fund ("LABF") in 2008. The project currently covers the districts of Kampala, Gulu, Jinja, Kabale, Kabarole, Masindi, Soroti, Arua and Mbarara through the satellite clinics of the Legal Aid Project of the Uganda Law Society.¹¹ The pro bono scheme run by the Uganda Law Society enables students to offer legal aid and the establishment of the Justice centers.¹²</p> <p>As part of their corporate social responsibility, private law firms are also increasingly providing pro bono services. Certain law schools such as the Makerere University have established legal aid/pro bono arms. The Public Interest Law Clinic ("PILAC") was established at the Makerere University School of Law in 2012 and enables both law students and other fully qualified attorneys to provide pro bono advice to indigent persons.</p> <p>Further, employers are increasingly partnering with lawyers to provide pro bono advice to their staff. For example, the Bank of Uganda launched its annual pro bono day in which the bank's panel law firms</p>

¹⁰ See <https://namati.org/wp-content/uploads/2015/12/Access-to-Justice-for-the-Poor-Marginalised-and-Vulnerable-People-of-Uganda.pdf>, p.77 (last visited on October 2, 2019).

¹¹ See <http://www.uls.or.ug/projects/pro-bono-project/pro-bono-project/> (last visited on October 2, 2019).

¹² See <https://namati.org/wp-content/uploads/2015/12/Access-to-Justice-for-the-Poor-Marginalised-and-Vulnerable-People-of-Uganda.pdf> (last visited on October 2, 2019).

		were invited to offer pro bono advice to its staff in various areas of law.
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers do not require a specific license to provide pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional licenses to provide pro bono legal services.
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	There is no requirement for professional indemnity legal insurance cover for lawyers providing pro bono legal services.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Section 74 of the Advocates Act prohibits advertising by advocates in any way in relation to their profession or business as advocates, except so far as may be necessary to identify their office or to provide their address to persons having business communications or dealings with such advocate. This restriction is also applicable to the provision of pro bono services.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	As part of the continuing legal education for advocates, the Uganda Law Society organizes an annual pro bono day in which practicing advocates provide free legal advice to members of the public. The annual pro bono day attracts two CLE points for any participating advocate. An advocate is required to accumulate 20 CLE points each year in order to have their practicing certificate for the next year renewed.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Uganda.	The Uganda Human Rights Commission as established under Article 51 of the Constitution of Uganda provides pro bono services in situations where there has been violation of human rights. ¹³
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Uganda.	The current sources of pro bono services come from civil society organizations which are supervised and vetted by the Legal Aid Sub-Committee of the Law Council. Many non-governmental organizations

¹³ See <https://www.uhrc.ug/> (last visited on October 2, 2019).

	<p>providing free legal services receive funding from foreign groups. Since the availability of monies may vary due to conditions outside their control, their provision of legal services is unpredictable. Together with the lack of governmental policy and logistical limitations, the provision of pro bono services to the vulnerable and those in need can be challenging. A non-exhaustive list of the pro bono providers is set out below.</p> <ul style="list-style-type: none"> • The Uganda Law Society: engages in legal aid and pro bono which are its flagship projects with the aim of extending access to justice to the poor, indigent and most vulnerable across Uganda.¹⁴ • The LDC Legal Aid Clinic: was established for the main purpose of improving the level of training of Bar Course students and to promote the lawyer's role of service to the community and legal representation of needy persons.¹⁵ • The Public Defender Association of Uganda: offers legal aid and pro bono services to indigent persons, particularly to persons charged with criminal offences.¹⁶ • The PILAC of Makerere University: offers pro bono services to indigent persons using its community outreach programs.¹⁷ • The Refugee Law Project: engages in the provision of free legal assistance to the refugee population and asylum seekers in Uganda.¹⁸ • The Uganda Association of Women Lawyers: is affiliated with the <i>Federacion Internacional de Abogadas</i> (The International Federation of Women Lawyers) founded in Mexico. It mainly provides legal aid to women in Uganda.¹⁹ • Platform for Labour Action: promotes and protects the rights of employees in Uganda
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¹⁴ See <http://www.uls.or.ug/> (last visited on October 2, 2019).

¹⁵ See <http://www.ldc.ac.ug/> (last visited on October 2, 2019).

¹⁶ See <http://humanrightshouse.org/noop/page.php?p=Articles/5063.html&d=1> (last visited on October 2, 2019).

¹⁷ See <http://pilac.mak.ac.ug> (last visited on October 2, 2019).

¹⁸ See <http://www.refugeelawproject.org> (last visited on October 2, 2019).

¹⁹ See <http://www.fidauganda.org> (last visited on October 2, 2019).

		<p>through the provision of legal aid to employees in the resolution of employment-related disputes.²⁰</p> <ul style="list-style-type: none"> • Uganda Land Alliance: was formed to enhance access, control, and ownership of land by poor and marginalized people in Uganda.²¹ • Uganda Network on Law, Ethics, and HIV/AIDS: advocates for the legal and human rights of people living with HIV/AIDS.²² • Uganda Christian Lawyers' Fraternity: was founded in 1987 by Christian law students at Makerere University. The fraternity is involved in advocacy and representation of disadvantaged people.²³ • Justice for Children: provides free legal representation to impoverished children. The JFC is a non-profit, advocacy group protecting abused children and their families by assisting in navigating administrative processes and protecting them from their abusers.²⁴ • Legal Action for Persons with Disabilities: focuses on ensuring that persons living with disabilities in Uganda have access to justice.²⁵ • Platform for Labour Action: is an NGO that promotes and protects the rights of vulnerable and marginalized workers through empowerment of communities and individuals, action oriented research, policy dialogue, and legal aid in Uganda.²⁶ • World Voices Uganda: facilitates access to justice for the poor, and the protection and promotion of human rights, governance and accountability.²⁷
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²⁰ See <http://www.pla-uganda.org> (last visited on October 2, 2019).

²¹ See <http://www.ulaug.org> (last visited on October 2, 2019).

²² See <http://www.uganet.org> (last visited on October 2, 2019).

²³ See <http://ugclf.org> (last visited on October 2, 2019).

²⁴ See <http://www.crin.org/en> (last visited on October 2, 2019).

²⁵ See <http://disabilityrightsfund.org/grantees/legal-action-for-persons-with-disabilities-uganda-3/> (last visited on October 2, 2019).

²⁶ See <http://www.pla-uganda.org/> (last visited on October 2, 2019).

²⁷ See <http://worldvoicesuganda.org> (last visited on October 2, 2019).

		<ul style="list-style-type: none"> • Foundation for Human Rights Initiative: seeks to remove impediments to democratic development and meaningful enjoyment of the fundamental freedoms enshrined in the 1995 Uganda Constitution as well as other internationally recognized human rights. Focused primarily on promoting human rights, it provides pro bono representation mainly through public interest cases.²⁸ • Human Rights Awareness and Promotion Forum: promotes human rights awareness in Uganda. It also provides legal aid services for the advancement of women and minority rights.²⁹ • International Justice Mission: is a Christian non-governmental organization led by Human Rights professionals, which helps people suffering from injustices and oppression, who have not been able to obtain justice through local authorities. IJM investigates and documents cases of abuse and provides pro bono legal representation to vulnerable individuals.³⁰ • Justice Centres Uganda: promotes the rights of vulnerable communities through basic legal aid, legal and human rights awareness, community outreach, empowerment and advocacy.³¹ <p>Further details of other organizations can be found on the Refugee Legal Aid information website.³²</p>
	3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	Attorneys who are interested in pro bono opportunities can register with the Uganda Law Society, which holds a database of members. ³³

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²⁸ See <http://www.fhri.or.ug/> (last visited on October 2, 2019).

²⁹ See <http://hrapf.org> (last visited on October 2, 2019).

³⁰ See <https://ijm.org/> (last visited on October 2, 2019).

³¹ See <http://www.justicecentres.go.ug/> (last visited on October 2, 2019).

³² See <http://www.refugeelegalaidinformation.org/uganda-pro-bono-directory> (last visited on October 2, 2019).

³³ See <http://www.uls.or.ug/> (last visited on October 2, 2019).

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