

Ashah Razyn Foundation

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APARTMENTS

ANNUAL REPORT 2015

## ACCRONYMS

ADR	Alternative Dispute Resolution
ASF	Avocats Sans Frontieres
ARF	Ashah Razyn Foundation
CLE	Continuing Legal Education
DANIDA	Danish Agency for International Development
ED	Executive Director
FIDA	Uganda Women Lawyers' Association
LASPNET	LEGAL Aid service providers Network
JLOS	Justice Law & Order Sector
LAP	Legal Aid Project
LASPs	Legal Aid Service Providers
M&E	Monitoring and Evaluation
NAPE	National Association of Professional Environmentalists
NGO	Non Government Organisation
ULS	Uganda Law Society
USAID	SAFE United States AID- Supporting Access to Justice, Fostering Equity and peace

## FROM THE EXECUTIVE DIRECTOR

Ashah Razyn Foundation is an independent human rights organisation with a two year track record of human rights activism and public interest litigation in Uganda. ARF uses the law as a positive instrument for change and to deepen the democratisation of Ugandan society. To this end, it provides free legal services to vulnerable, marginalised and indigent individuals and communities



, both non-national and Ugandan, who are victims of unlawful infringements of their constitutional rights. To achieve its goals, ARF organisation activities are carried out in a systematic and factual manner.

I thank the various stakeholders who contributed to the development of ARF IN 2015 through sharing of ideas and experiences with us. I highly thank the board and all the staff of Ashah Razyn Foundation for their creativity and willingness to promote the Organization as well as commitment during the implementation of all our activities and making ARF grow as a bigger organisation. 2016 am sure is going to be a great year for us all. I am confident of their continued commitment in the implementation all our work. Alluta Continua!

**Mwanga Mastullah Ashah**

## **ABOUT THE ASHAH RAZYN FOUNDATION**

**Vision** : A society accessing quality legal assistance and free from all kinds of human rights abuses. The ARF envisages a just and equitable society. Here, all the three arms of the state [parliament, judiciary and the executive] as well as non-state actors are practicing accountability, transparency and there is rule of law; and where there is public awareness, respect and engagement for human rights and good governance; where justice and respect for human dignity are a reality.

**Mission:** To build and strengthen a sustainable, transparent, accountable and democratic society free from Human Rights abuse through legal representation, civic education information; sound legal research and advise; monitoring and follow up of human rights violations, advocacy for reforms of policies, laws and practices in conformity to national and international human rights standards, implementation and partnership at all levels. We believe that strong local and international partnerships are crucial to achieving our mission, vision and the sustainable development of Uganda.

### **ARF's Values**

ARF has a number of core values that guide the way members, the board, staff and partners relate and operate. The values in the context of ARF mean:

#### **a) Integrity**

ARF strives to always uphold quality of being honest; trustworthy; adherence to moral and ethical principles; and being of strong moral uprightness. It means doing the right thing even when no one is watching. ARF strives to be an organization that is able to be trusted as being honest, safe, and reliable. ARF ensures that integrity underlies all of its operations

#### **b) Equality**

ARF ensures that individuals or groups of individuals are treated fairly and equally and no less favorably, specific to their needs. ARF does not discriminate against its clients and employees on the grounds of age, gender, nationality, tribe, place of origin, political opinion, race, colour, disability, occupation, or on any other status. ARF when focuses on specific marginalized group will not contravene this principle in provision of services to just that group.

#### **c) Transparency**

Save for circumstances where confidence is required, ARF will ensure that it operates in an honest way of doing things that allows other people/stakeholders to know exactly what ARF is doing.

#### **d) Accountability**

ARF always position itself to a situation in which people know who is responsible for something and can ask them to explain its state or quality. ARF respects and discharges its duties of care. For its accountability is not an afterthought.

### **e) Professionalism**

ARF professionally handles all of its beneficiaries with competence, respect and courtesy. ARF strives to provide timely and quality services to the society.

### **f) Voluntarism and volunteerism**

ARF staff operates and is guided by the spirit of volunteering by ensuring that it undertakes its responsibilities willingly and with dedication not necessarily working for payments but working while believing more on the value of the work rather than the amount of money or material benefit that one gains. ARF will live out these values by:

- i) Communicating the values constantly;
- ii) Revisiting and refreshing the values where necessary;
- iii) Confronting contradictory behavior;
- iv) Periodically checking out with feedback.

### **Our Goals**

The broad goal for ARF is to create a platform along which activities are implemented, budgeted, monitored and evaluated. Other goals include;

- Organizational Development, management, capacity building
- Fostering rule of law, democracy and good governance
- Disadvantaged and indigent groups to lean on ARF while seeking Justice
- To promote sustainable organizational and capacity building development
- Contribute to the practice of law for the benefit of the people of Uganda in pursuit of achieving good governance

**Practical Attitude and behavior of ARF.** In everything that ARF does it will be:

**a) Accessible.** Accessibility is a fundamental part of who ARF is, what ARF says and what ARF does. It is only by being truly accessible that ARF can be inclusive. And it is only when ARF is accessible and inclusive that ARF can promote equality.

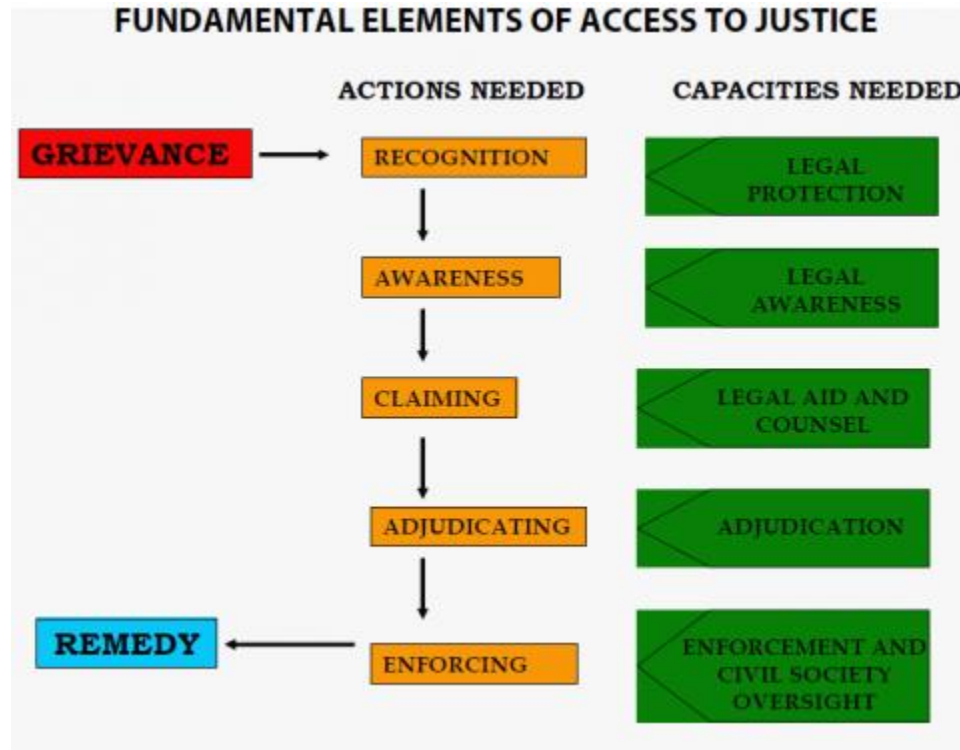
**b) Authoritative.** Through the quality of ARF's work, ARF's thinking, and by examples ARF sets, ARF is known and respected in the field of equality and human rights.

**c) Ambitious.** ARF wants to continue to make a difference. It wants to be successful in bringing about change. To achieve this, ARF is bold and courageous in the decisions it makes.

**d) Agile.** ARF shall continue to respond quickly and effectively to rapidly changing events.

## Access to justice

Access to justice is a human right, but it is also what makes other human rights a reality. The legal system must provide means to obtain a quick, effective and fair response to protect people's rights; the means to prevent and solve disputes; mechanisms to control the abuse of power; and all of this must be available through a transparent, efficient, accountable and affordable process. The importance of access to justice applies equally to all indigent groups yet most rights in this area have long been neglected and ignored.



## 2015 PROGRAMME ACTIVITIES AND ACHIEVEMENTS

### Legal representation.

The above was done through court representation and Alternative Dispute Resolution (ADR) mechanisms. By the end of 2015, the Ashah Razyn Foundation had handled a total number of 371 clients across the country. 205 of these clients were received at the various mobile legal aid clinics and or campaigns conducted. 211 male while 160 were female. Out of the total number of 371 cases registered, 100 were completed in office through ADR while 12 cases were completed in courts of law; 55 cases are still pending in office With 39 pending in courts, 193 cases were referred to Pro bono and other legal aid service providers, 11 cases were closed for lack of merit whereas no file was with drawn.

### The Pro Bono Services.

For the last one and half years, the Pro bono scheme of the Ashah Razyn Foundation has, through members of the legal profession continued to extend free legal services to hundreds of indigent

men, women and children in Uganda. This has been done by the Pro Bono office department of the foundation coordinating different lawyers and law firms. The pro bono department has steadily grown with over 20 additional Advocates enrolled into the scheme, bringing its portfolio of registered Advocates to 31. This we do by writing to individual lawyers independently or through their respective law firms. By the end of 2015, 171 clients were referred to ARF established Pro-bono lawyers.

### **Nakulabye Market grounds**

ARF conducted a mobile legal aid clinic at Nakulabye in which over 70 clients were attended to, some of these cases were handled at ARF office and others were referred to other legal aid service providers.

### **Iganga District Mobile legal aid Clinic**

ARF in partnership with ACCU conducted a mobile legal aid clinic in Iganga district. This was geared toward making legal aid accessible to the indigent persons of Iganga district. This same legal aid clinic was part of the activities organized by ACCU and ARF to mark the 2015 anti-corruption week. A number of cases were registered totaling to thirty nine matters ranging from domestic violence, land, human rights abuse, child neglect, murder among others. In the one day mobile legal aid clinic, ARF realized that access to legal services in Iganga district is a big challenge and needs urgent attention and that this therefore calls for more legal aid services taken nearer to the people of Iganga.

### **Objectives of the open space legal aid clinic**

1. Address gaps in the provision of legal assistance to the poor vulnerable and indigent members of the community
2. Adopt a proactive approach to the legal aid service provision to better meet the needs of the poor vulnerable and indigent members of the community by extending legal services nearer to the rural poor and or indigent persons.

The mobile clinic commenced at around 10 o'clock. A number of methods were used in this one day legal aid service provision. ARF in conjunction with ACCU had a common aim of providing a community based centralized platform to access justice for victims of land grabbing especially women, children and resolving land disputes, domestic violence, contractual matters, nuisance and any other matter that needed legal advice.

As civil society we have contributed to access to justice in a wider context by enhancing property ownership and access rights to contribute to national development. ARF and ACCU's partnership during the legal clinic was cognizant of the existing laws like the Land Act of 1998, the 2010 amendment and national land policy, the pending legal aid policy before cabinet and all the relevant laws like the Advocates Act. Among the alternatives which were availed to those who sought legal advice include the following;

An ADR based Justice Delivery Approach. The overall objective of this approach was to enhance the capacity of vulnerable persons and to strengthen mechanisms for resolving, managing and mitigating conflicts related to land and other disputes through ADR.

The ARF registered a number of communities and clients with respect to cases registered and handled both in courts and offices. A total of 59 cases were registered. The ARF directly sensitized 59 people on legal issues like land rights, marriage and divorce, domestic violence, children rights and the operation of Local Council Courts. Most of the cases registered were land issues.

A number of cases were registered as below;

### **Land Grabbing**

The issues that emerged on the said day indicate that Iganga district needs special attention from the judiciary if government is to promote peaceful living among citizens. The escalating land disputes in the district call for legal services to be availed to inculcate and promote justice within the communities. Iganga district has seen a rise in the number of land-related wrangles, as people have badly squabbled and feuded over land. To this end, ARF advised these clients and also urged them to visit the responsible authorities.

In the same vein, legal aid is a matter of access to justice and therefore the police, prisons, district leaders and cultural leaders to be the kingpins of legal aid provision to sensitize people on land, property and women rights. The Paramount leaders and clients in this district said some of the causes of land wrangles included the problem of youth selling land to buy motorcycles.



Other causes of violence cited include youth selling one piece of land to several people hence creating confusion and fraud, family bickering, police and district leader's involvement in these conflicts. Waiswa Amiri, one client said the sub-county land committees together with partners have started addressing the gaps in the land management in the district in which women and children are affected most. They also cited Civil Society organizations such as Action-aid to be doing empowerment and sensitisation programs about the question and fact in issue. This way therefore, there is need to put in place a referral mechanism, including using the existing structures like the police, cultural leaders and district officials to do what they are employed to do. ARF therefore calls on government to implement the national land policy which aims to empower women gain access to land.

CIVIL society organizations have called for the implementation of a National Land Policy to empower local women gain access to land. Women are still held back by cultural norms, poverty, wars and low levels of



sensitization as a result they have failed to achieve their full potential,” women, more especially in areas of customary land tenure system continue to face discrimination which has affected the district’s agricultural production. This way therefore, if implemented the Land Policy will help streamline women’s access to land in Iganga District. .

Last year, Cabinet approved the National Land Policy which looks at the role land plays in national development as well as issues of land ownership, distribution, utilization, alien ability, management and control. The policy recognizes four tenure systems including mailo, freehold, leasehold and customary tenure. According to Uganda Bureau of Statistics approximately 80 percent of Ugandan land is held under the customary tenure system implying most people acquire land through inheritance and succession. According to the cases registered on the said day, this has posed challenges to women since most societies in Iganga district are patriarchal and do not allow females inheritance.

Most of the visiting indigent persons/clients expressed and show cased ignorance about the law and at the same time vowed to fight land grabbers who evict vulnerable people from their land illegally. The LC 1 chairperson of Nawaikoke village Mr Mukebezi Jackson, who also had a pension fund complaint there are many legal issues in the area and the same required urgent attention. He also added that land as another key issue and that land is life and nobody can live comfortably without it. He noted that “Land is a major factor in the wellbeing of people, but unscrupulous developers are forcefully grabbing land from locals using their powerful positions,” he said;

Mr. Ibanda Eliabu of Nakavule said that residents had lost patience in government institutions like the judiciary, court, police because, he said, they connive with businessmen, politicians and big shots in government to make the locals suffer.

*“Evicting people from their land will soon cause bloodshed. People should stop acts of land grabbing immediately. This country belongs to every one of which they are entitled to freedom of rights.”*

Mr. Ibanda Eliabu of Nakavule said he is ready to face the courts of law while fighting for the rights of poor Ugandans and called on residents to avoid temperament tendencies while fighting for their land.

In the above instance therefore, ARF and ACCU’s aim is to provide a community-based centralized platform to access justice for victims of land grabbing especially women, children and resolving land disputes. This calls for the two organisations contributing to access to justice in a wider context by enhancing property ownership and access their legal rights as enshrined in the constitution of the republic of Uganda.

### **Child neglect.**

Child neglect tops human rights abuses in Uganda, according to the Ugandan Human Rights Commission. The most violated right was child neglect, representing 25% of complaints registered in 2006, an increment of 77% from the previous period. The African Network for Prevention and Protection against Child and Abuse and Neglect (ANPPCAN) Uganda Chapter has continually informed stakeholders about the situation of child abuse and neglect in the country by producing yearly analytical studies on the situation of child abuse and neglect in Uganda. According to their report commissioned in 2011, the no.

of children involved in child abuse cases was 935 whereas the percentage of the total children under study 18.9. This shows that Iganga district is the second district with many cases of child neglect.

According to Sarah Kagoya of Nakavule village, she reported that,

“I was impregnated by a one Idwaya Edward of Namutumba who is apparently the father off my child-Treasure Ddebu. He neglected and abandoned my child. I beg and seek help so that the father of my child can contribute to the well-being of our child. My mother is willing to sponsor me to go back to school” This was one touching story of one indigent young woman who feels should go back to school but at the same time seeks child support from the father of her child, yet at the same time, the said man is still in school.

In this case, ARF legal personnel recommended that the victim visits family and child protection unit of police or petition court. It was noted that, such clients had a wide ignorance rate and therefore did not even have the courage to go to police and report the matter.

### **Vote Rigging**

The effects of electoral fraud can be especially devastating in new democracies since serious fraud is likely to result in instability and an immediate erosion of the new government’s tenuous credibility. Ahead of the 2016 National General elections, election malpractices across all parties nationwide were widely reported in Uganda's national press during the primaries. Alleged incidents include attempts to stuff ballot boxes with thousands of pre-ticked votes and ballot papers going missing. Violence - sometimes life-threatening - broke out between rival groups of supporters in various parts of the country and therefore led to accusations of gross incompetence being levelled at party leaders by members of their own parties.

The NRM electoral commission was accused of delivering voting materials late, distributing voters' registers with missing names, swapping voters' registers belonging to different constituencies and failure to prevent vote rigging. Something that brought in questions if next February's general elections can be free and fair.



One client reported a case of vote rigging in the NRM LC 5 primaries in Iganga district in which he alleged that a one Saban Nkuutu rigged the primaries and hence winning not in favour of Patrick Kayemba. Unfortunately, due to legal ignorance, the complainant did not seek any remedy but was rather just informing ARF legal person and was not interested in furthering the matter, not even to the NRM electoral commission.

### **Theft**

This was also one such reported matter. However, most of the theft cases recorded were those of petty thieves regarding small property like mobile phones.

### **Murder**

This is the killing of another person without justification or excuse, especially the crime of killing a person with malice afore thought with recklessness manifesting extreme indifference to the value of human life. It involves the unlawful killing of a person, especially when done with deliberation or premeditation or occurring during the commission of another serious crime (first-degree murder or with intent but without deliberation or premeditation (second degree-murder). ARF received one client reporting a murder case where some un known assailants murdered the complainants brother and dropped him by the road side, announcements were made but his where about were un known. After several weeks, he was found in Bukoteka Village and taken to Iganga District for a post mortem. Police seven suspects including the wife of the deceased but were afterwards released from custody. A family meeting was called and after a few weeks, the wife was also killed by the son. The son was arrested. Therefore, the complainant was seeking justice for in pursuant of his brother's death together with his wife (sister in law).

### **Human Rights Abuse**

The other registered cases included; Rape cases, domestic violence and breach of contract.

## RECOMMENDATION PARTAINING REGISTERED CASES IN IGANGA DISTRICT

- There is need to further emphasize community policing and public partnership with the police to prevent child abuse. This is premised on existing evidence that the community policing mechanism has resulted in a downward trend in crimes reported over the years as indicated in the Uganda Police Annual Crime and Traffic/Road Safety Report for 2011. The Community policing model should be inbuilt in the child protection strategy as this will help not only to reduce on the new cases of child abuse but also in apprehending the perpetrators of child abuse. In addition, there is need for the police to setup a sound electronic case management system for easy and timely record keeping and retrieval of child abuse information so as to facilitate profiling of evidence to aid in the prosecution of child abuse perpetrators.
- Sensitization. There is need to sensitize residents to be vigilant against people who take their children under the guise of giving them scholarships and jobs, among other offers. Parents and guardians are called upon to amicably resolve issues and conflicts involving children to stop them from running away from home to the streets where they become vulnerable to traffickers.
- We also urge the Ugandan Parliament to enact a law prohibiting torture and the Government to ratify the Protocol to the UN Convention against Torture.
- There is need to conduct more mobile legal aid clinics with the up country districts of Uganda like Iganga.

## KARAMOJA REGION MOBILE LEGAL AID CLINICS

ARF in conjunction with ACCU provided legal aid to the people of Karamoja region in the areas of Moroto, Napak and Nakapiripirit. There was a great number of needy clients who had come in for assistance and as such there was and there is still a great need for legal aid provision in the region. During this activity, we handled 16 cases all of which were tackling different branches of law as shown in the table below and explained herein:-

Nature of Cases	No. of Cases	Different persons/clients
Family	3	– Women – Children
Criminal	4	Men
Land	8	Men
Commercial	1	Men

### 1. Family Matters:-

These evolved around domestic violence and child neglect; the most affected persons are married / cohabiting women and children between the ages of 3 – 16 years. Some of those who came for legal advice stated that domestic violence is a day to day problem in the region since most men do

not work and expect everything to be provided for them by the women in the homes, as such , failure to provide leads to the beating/battering by their men (husbands).

The issue of child neglect is rampant and this is also due to the unemployment of the men who would have provided facilitation for their families, however they end up sending their children to Mbale & Kampala to become street children some ting which violates the children's rights like the right to attain education.

**2. Criminal matters:-**

The people most affected are the men and the criminal matters rotate around cattle rustling in Moroto mountain region, murder as a result of the fights for their cattle and theft of household items. The O.C. CIID of Napak Police Post stated that several times the cattle rustlers come from Kenya into Uganda with an intention of stealing cattle and kill whoever stands in their path.

**3. Land matters:-**

This is majorly land grabbing especially in Moroto district by some members in the Government who claim that Karamoja region is rich in mineral resources like gold and marble. According to our table above, 8 (eight) people mostly men have faced this same challenge and came forward for legal advice. As such the land matters continue to shoot high in the region worsened by ignorance of land laws.

**4. Commercial matters:-** This is also yet another problem that emerged on the said day basically in regard to contracts where several people in the region entered into monetary agreements/contracts with others, however due to unknown and un clear circumstances, the other parties refuse/fail to fulfill their monetary obligations there by breaching the contractual terms.

## **CASE FOR LEGAL AID IN BUSOGA AND KARAMOJA REGIONS**

ARF in conjunction with ACCU provided legal aid to the people Busoga region (Iganga District) and those of Karamoja region in the districts of Moroto, Napak and Nakapiripirit respectively. These were organized as part of the activities organized by ACCU and ARF to mark the 2015 anti-corruption week. The kind of legal aid provided was in the form of mobile legal aid clinics in both regions. These were geared toward making legal aid accessible to the indigent persons of Iganga district and Karamoja region.

In Iganga District, a number of cases were registered totaling to thirty nine matters ranging from domestic violence, land, human, rights abuse, child neglect, murder among others. In the one day mobile legal aid clinic, ARF realized that access to legal services in Iganga district is a big challenge and needs urgent attention and that this therefore calls for more legal aid services taken nearer to the people of Iganga. The issues that emerged on the said day indicate that these regions need special attention from the judiciary if government is to promote peaceful living among citizens. The escalating land disputes in the district of Iganga call for legal services to be availed to inculcate and promote justice within the communities. This way therefore, there is need to put

in place a referral mechanism, including using the existing structures like the police, cultural leaders and district officials to do what they are employed to do.

In Karamoja region, we registered and handled 16 cases tackling different branches of law ranging from; family, criminal, land and commercial. This way therefore, there is great need for case follow up on some of the very sensitive cases reported and recorded in both regions. Some matters reported required urgent attention but due to legal ignorance and lack of financial capacity, the complainants were unaware of what could be done. Some of the complainants were victims of human rights abuse, domestic violence, land grabbing conflicts sexual offences among others. ACCU and ARF should therefore work hand in hand within the minimal resources and follow up on some of the sensitive matters that were recorded and as such there was and there is still a great need for legal aid provision in both regions.

ARF and ACCU need to follow up on some of the sensitive matters that were recorded on the said legal aid days in Iganga and Karamoja region so that output is seen as sustainable. It is not enough to just respond to the legal issues raised, but rather more important if ACCU and ARF follow up on these cases by for instance initiating mediation between the victims and the accused, opening case files at police and in extreme cases, initiating litigation. There is no doubt that if ARF and ACCU's efforts were harnessed in a coordinated national pro-bono initiatives and legal aid, there would be a great improvement in the dispensation of justice within the Ugandan judicial system and in this case, the issues in Iganga and Karamoja region would be dealt with urgently and access to justice would hence become a reality.

### **Reviewing Recommendations made by Anti Graft Agencies i.e IGG, AG, IGAC as they relate to the target districts (Napak, Nakapiripirit and Moroto).**

ARF reviewed recommendations made by anti-graft agencies i.e. IGG, AG, LGAC as they relate to the target districts (Napak, Nakapiripirit and Moroto)

This project underlined a partnership between Ashah Razyn Foundation and ACCU in their quest to improve public service delivery through transparent and accountable utilization of resources earmarked for Karamoja region. Its overall objective was to establish and operationalise a sustainable community based transparency and accountability monitoring and follow-up mechanism in Districts of Napak, Moroto and Nakapiripirit

### **Project Objectives**

1. To strengthen the capacity of civil society organisations and marginalized rights holders to demand for transparency and accountability in public service delivery in Napak and Nakapiripirit districts.
2. To profile transparency and accountability issues emerging from Napak and Nakapiripirit at national level.

The specific tasks undertaken by Ashah Razyn Foundation were:

- Conduct a critical analysis on the recommendations of anti-graft agencies towards the target districts in Karamoja region and rate their compliance in relation to public service delivery.
- Produce a final report with actionable recommendations

## **Community Empowerment Programs**

### **i) Information, Education and Communication**

With support from ARF Board Members and private sponsors, ARF under *Promoting Access to Justice: An ADR based Approach Justice Delivery Mechanism* implemented. **150** IEC materials on community mediation in land matters and ADR were developed and disseminated in the districts of Wakiso, Budaka, Kiboga and Kibale for awareness creation. This has promoted use of ADR mechanisms by individuals and communities involved in civil, land, family and other disputes before resorting to litigation—or even within the context of litigation itself in accordance with the new Mediation Rules of 2013.



*ARF PHRC Mr Ssemwanga Charles making an empowerment sensitization to his community members*

### **ii) Community sensitizations and training.**

The project was able to enhance legal awareness of 10320 people on their land rights and procedures in land transactions, domestic violence, children’s right, Succession, Marriage and Divorce, Rule of law and the laws applicable; in the districts of Kibale, Budaka, Mbale, Wakiso, Kampala, Kabarole, Iganga, Napak, Moroto and Nakapiripirit. In the reporting year, 14 community outreaches were conducted in the local languages as well as English. This was and continues to be in a bid to increase public awareness and enhance the capacity of communities reached to demand for the observance of Rule of Law, respect for human rights and accountability. Following sensitization on their rights and about the availability of free legal services through mobile clinics or sensitization exercises, **370** the new cases were registered at our offices which was 3% of the new registered cases.



*Counsel Geofrey Turyamusiiwa sensitizing a group of community members*

### **Media Campaigns**

ARF was given space on Pearl FM as a key stakeholder to educate the public about human rights, laws and the legal aid as well as ARF mandate in regard to provision of legal aid. These talk shows were as participatory as listeners had a session to call in and there on, answers were responded to. This enabled us to achieve one of our objectives of creating awareness on human rights and law. Under media campaigns, the foundation held over 24 radio talk shows. These were conducted in the local language of Luganda. The talk shows basically addressed issues of; land rights, children's rights, and corruption, the Rule of Law, testate and intestate succession, domestic violence laws as well as ARF activities and services and addressed the communities' prevalent legal challenges.

### **Networking**

ARF sought membership and partnership of various organisations having similar mandate with that of ARF. In the same line, we attended a number of meetings with the said networks. ARF was part of the CSOs under the Coalition of Civil Society Budget Advocacy Group (CSBAG), who analysed and reviewed 2016/17 Budget Frame work paper after which alternative budget proposals for the same year were prepared. ARF was responsible for reviewing JLOS. ARF was also part of the pioneer organisations of earth Juris prudence in Uganda together with the National Association of professional environmentalists (NAPE)





*ARF STAFF TOGETHER with other LEGAL AID SERVICE PROVIDERS AT PIATO RESTAURANT ON 28TH OCTOBER 2015 FOR THE CAPACITY ASSESSMENT VALIDATION MEETING.*

### **Challenges faced by the Ashah Razyn Foundation (ARF)**

ARF was established to promote quality legal assistance to indigent and vulnerable people. This was upon realization that the majority of Ugandans live in absolute poverty which is hitherto worsened by lack of access to justice. A number of issues have come up coupled with vast development trends in our day- today lives. This way therefore, ARF being a new and young organization has received great and high expectations from the stakeholders and the beneficiaries. There is fear that ARF may not perform efficiently and effectively as expected by its membership and stakeholders. There are overlapping roles and responsibilities within the functioning of our governments, organisations and at community level that constrain ARF to position itself strategically in the delivery of the services expected by its stakeholders.

ARF is a voluntary membership institution that draws its contribution and support from both long service experienced lawyers as well as young lawyers who have just completed university and professional training. This brings about the challenge of addressing the different strata (age) and experience of the different lawyers in regard to addressing legal issues due to lack of experience and exposure.

The demand from the public on ARF is far stretching on the limited financial resources at its disposal. This arises due to the fact that ARF does not have any single donor. This therefore has a bearing on the internal operations and the service delivery on the side of ARF. Therefore the sustainability of ARF is put to context on the strategies it is to consider in future in raising resources to fulfill its mandate.

In its effort to contribute to rule of law, Human rights and Governance in Uganda, ARF faces challenges from backlog within the judicial system on the Government of Uganda, making it uncertain of real time justice delivery. Much as ARF implements the pro bono services and it faces

challenges from costs of representation, delayed procedures, unavailability of witnesses, magistrates and judges to administer justice especially in upcountry courts.

All this is further aggravated by the skewed approach by legislators to enacting laws. Although the interest of state and public might vary, it is important to recognize that the different laws in place create an environment for observance of human rights and good governance. At the same time, the role of ARF should be seen as being impartial as a pressure group to either the public or state.

The proposed National Legal Aid policy and bill is still a while in the making. Until it is passed, it leaves the bulk of legal aid provision to Legal Aid Service Providers with minimal intervention by Government in capital offences and state briefs. It is hoped that the policy will ensure that government assumes full responsibility in the provision of legal aid services in the country.

At a broader level ARF is seen as an organisation that responds to the legal needs of the poor through provision of legal aid and pro-bono services to the poor. Therefore its scope and mandate is being challenged to respond to the different legal practices, legislation and human rights concerns. There are other challenges and weaknesses ARF faces and these include the following;

- Lack of permanent premises for the ARF Secretariat, which affects the effective running of the organization. ARF is renting the premises where it operates.
- Inadequate Monitoring and Evaluation of programs
- Lack of income generating activities for the organisation
- Weak capacities of membership to implement work.

There is a poor perception by most clients who want matters solved in court compared to mediations even after telling them the challenges involved in litigation. There is a lot of backlog of cases attributed to the fewer numbers of judicial officers to handle the cases. This has led to continuous adjournments of cases which has become costly to the foundation and caused delayed justice to the already vulnerable and marginalized groups.

There is increased demand for legal aid services which directly affects the limited human and financial resources of ARF. ARF does not have an adequate budget to fully achieve its strategic plan, otherwise, ARF would really be helping many indigent persons to acquire justice. We ask any well-wishers and development partners to come on board and support ARF to achieve its objectives.

## **WAYFORWARD**

The foundation has developed a number of innovations that have promoted access to justice that included the following:

1. As a policy issue, ARF enhanced ADR approaches in all its cases. Mediations at locus have also increased to reduce litigation cost and improve case disposal.

2. Professionalism. ARF professionally handles all of its beneficiaries with competence, respect and courtesy. ARF strives to provide timely and quality services to the society.
3. Voluntarism and volunteerism. ARF staff operates and is guided by the spirit of volunteering by ensuring that it undertakes its responsibilities willingly and with dedication not necessarily working for payments but working while believing more on the value of the work rather than the amount of money or material benefit that one gains. We currently do not have enough funds to run the organization, but all ARF staff work tirelessly in achieving all our set goals. ARF will live out these values by:
  - i. Communicating the values constantly;
  - ii. Revisiting and refreshing the values where necessary;
  - iii. Confronting contradictory behavior;
  - iv. Periodically checking out with feedback.

ARF commends its Employee Counsel Geoffrey Turyamusiima for the outstanding qualities of hard work as well as voluntariness and perseverance in all the times ARF has existed. For the two years ARF has existed, have really been hard times with no adequate funds, but counsel Geoffrey has stood with the ED to work tirelessly and extend his services to our beneficiaries. We pray that he continues with the same spirit.

# ARF 2015 PICTORIAL



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