



## Overview of APP's Promotion, Respect and Fulfillment of the Right to Access to Justice

### **Introduction**

This project model was designed to respond to the challenges faced by the prison populations of Mubende, Oyam and Apac Districts of Uganda to access justice. Lack of basic legal advice, long periods spent on remand, chronic prison overcrowding and lack of awareness among prisoners of their legal rights and obligation are barriers to justice being served. Through the project, advice and guidance about how to access justice was made available to every prisoner, regardless of their ability to pay for legal representation.

The project involved skilling up prisoners and staff to act as Prison Peer Educators (prisoners), Prison/Community Human Rights Advocates (staff), in order to educate prisoners on all aspects of the legal process. In addition, the project engaged with key stakeholders from the justice law and order sectors, supporting increased effectiveness in the implementation of their mandates. This in turn enhanced their capacity to respond to the needs of our beneficiaries, encouraging a human rights culture to be adopted going forward.

### **Background**

Access to justice is a fundamental human, right founded in international human rights instruments. In Uganda few people enjoy this right due to reasons of poverty, heavy case-loads, physical distance to service institutions, limited coverage and scope of legal aid service providers (the majority located in cities) and a shortage of defense lawyers outside the capital of Kampala. Representing oneself in court depends on a knowledge of legal processes, court hierarchy and traditions and how to present in the intimidating environment of the court. This is simply beyond the capability of the majority of men and women in prison in Uganda. With high rates of illiteracy and little in the way of formal education prisoners are significantly disadvantaged before they even walk into the court room.

The PHRAs/CHRAs and PPEs provided prisoners with relevant information, skills and techniques to prepare for court appearances and to articulate their issues during hearings and bail applications, as well as acting as a link with community agencies. The awareness sessions help people gain some idea of what the experience in the court room will be like. Complex legal concepts are broken down into simple and accessible information with guidance and practice for prisoners about what to say and how to articulate themselves in court. For example, how to speak up in order to exercise the right to apply to be released on bail and to present strong mitigating circumstances required to attain a fair sentence. The sessions helped prisoners understand and take responsibility for their own case, enhancing their chance to attain justice.

## Our impact

| Impact Performance Indicator  | Baseline (beginning of project) | End line (End of Project) |
|---|---------------------------------|---------------------------|
| Number of prisoners aware of their rights, legal obligations and access to justice procedures | 63                              | 1,160                     |
| Average time spent on remand  | 12 months                       | 10 months                 |
| Percentage of prisoners applying for and are granted bail                                     | 440                             | 1,016                     |

### Other successes from the Prison Human Rights Advocates work

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**29 prison officers and 30 prisoners** were trained as PHRAs and PPEs respectively. In total, they conducted **336 awareness sessions** on basic legal and human rights attended by **9,964 inmates** covering topics such as bail, mitigation and court behavior. Relevant communication skills and techniques were also taught to help people articulate well in court and to increase confidence for court appearances.

With the support of PHRAs and PPEs, **152** cases were dismissed in court, **68** received community service, **33** received a fine, **20** received a caution and **74** were reconciled with their complainants and released.

**1,305 sureties** were traced on behalf of prisoners seeking to apply to be released on bail. This has contributed to decongestion in the prisons.

At the time of our intervention in 2015 in Mubende district, only one High Court session had been planned in Mubende District presided over by a visiting judge. The visit to the prison ensured that 3 High Court sessions were held by the end of the year.

As a result of a prison visit conducted with 25 judicial officials during the project, a permanent resident judge is now in place in the project area to hear capital and other serious offences in Mubende and other neighboring districts.

At another area of intervention; Apac district, a prison visit facilitated for 11 judicial officials led by the Resident Judge for Lango Sub region, Justice Winnie Nabisinde accompanied by magistrates, State Attorneys and prosecutors from both Oyam and Apac Districts in 2013 resulted in a court session being held for these prisoners who had been awaiting trial since 2011.

## Success stories

*"I would like to say how much I appreciate this opportunity, which is a result of African Prisons Project, and we are so grateful to them for their mission to bring dignity and hope to men, women, and children in prison. The effort towards enhancement of access to justice, especially for the poor and marginalised is timely. On behalf of the Principal Judge, who could not be here today, we, as the judiciary, appreciate and pledge to work with APP to ensure access to justice for prisoners. I can assure you that APP's effort in facilitating this visit is not futile. It is going to yield results"* **Honourable Justice Wilson Masalu Musene,**

*"Having spent six years in prison without a trial, I didn't know if I would live to see another day outside the prison walls and be able to go back to my home, but Allah has finally heard my cry. I am grateful for the work done by African Prisons Project for helping us access justice. Thank you for the trainings you offer to us through our Prison Human Rights Advocates and Prison Peer Educators who don't get tired of teaching us.* **Ismail (pictured) after his case was dismissed during the ongoing main High Court session.**

*"I am really grateful for the coming of African Prisons Project in Mubende district. I am glad there is an organisation out there that cares about us prisoners. Having got an opportunity to appear before the courts of law, I ensured I applied all the knowledge I acquired during the sessions I attended that were conducted by the Prison Peer Educators especially the topics of plea of guilty and mitigation it being that it was the road I was taking. I was sentenced to five years imprisonment. I am actually at peace and believe it is a fair sentence I was given depending on what I expected. Thank you APP for helping us attain justice. Thank you."* **Frank.**

*"The prison was also crowded due to the large number of prisoners caused partly by long stay on remand by many prisoners because due to poverty, they did not have anyone to follow up on their cases. Today, the living conditions and health of the prisoners have greatly improved because the congestion has reduced. This is as a result of the support they receive from APP and the Prison Human Rights Advocates like myself. Today, I am happy because we can maintain a low remand population in the prison and sometimes, we have less than 6 people awaiting trial. Our lowest remand population was in July 2014 when we had only 2 people on remand compared to January when there were 15. We are able to focus on giving the convicted prisoners a better place to live with enough food."* **Otim Kizito, Prison Human Rights Advocate, Arocha Prison.**