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Democratic Governance Facility
(DGF)

Joint review of project progress for Legal Aid Services Providers Network
(LASPNET)

Coordination of Legal Aid Service Providers Project
(2011 – 2012)

FINAL REPORT

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List of abbreviations

A2J	Access to Justice	**LCC**	Local Council Courts
ADR	Alternative Dispute Resolution	**LCF**	Lango Cultural Foundation
AHURIO	Association of Human Rights Organisations	**LEMU**	Land and Equity Movement Uganda
CFPU	Child and Family Protection Unit	**M&E**	Monitoring and Evaluation
		MoJCA	Ministry of Justice and Constitutional Affairs
CSOs	Civil Society Organizations		
DCC	District Coordination Committees	**MOU**	Memorandum of Understanding
DCI	Defence for Children International	**NGOs**	Non- Governmental Organizations
DGF	Democratic Governance Facility	**PAS**	Paralegal Advisory Services
FAPAD	Facilitation for Peace and Development	**PDAU**	Public Defenders Association Uganda
FIDA	The Uganda Association of Women Lawyers	**PLA**	Platform for Labour Action
		PO	Paralegal Officer
FHRI	Foundation for Human Rights Initiative	**RLP**	Refugee Law Project
		SC	Steering Committee
IRCU	Inter- Religious Council of Uganda	**SIP**	Strategic Investment Plan
		ULA	Uganda Land Alliance
JCs	Justice Centres	**UCLF**	Uganda Christian Lawyers Fraternity
JCU	Justice Centres Uganda		
JLOS	Justice Law and Order Sector	**ULC**	Uganda Law Council
JURIA	Justice and Rights Association	**ULS**	Uganda Law Society
LABF	Legal Aid Basket Fund		
LAPD	Legal Aid for Persons with Disabilities		
LASPs	Legal Aid Service Providers		
LASPNET	Legal Aid Service Providers Network		
LC	Local Council		

Executive Summary- Key Findings, Issues and Recommendations

Overview

1. This review was conducted on behalf of the Democratic Governance Facility and the Legal Aid Service Providers Network (LASPNET) to assess the progress of the **"Coordination of Legal Aid Providers Project" (July 2011- June 2012).** The project sought to provide strategic linkages and a collaboration framework for Legal Aid Service Providers (LASPs) and support a common front to interface with JLOS. Key expected outputs were: the establishment of an independent LASPNET Secretariat; increasing membership to cover at least 70% of LASPs; coordination and oversight for LASPs and engaging with JLOS on legal aid issues in Uganda. The total budget for one year is **UGX 228,739,000** of which DGF has so far disbursed **UGX 184,395,000**. This review was conducted in May with consultations in Kampala and field visits to Gulu and Kasese. The review analyses the project progress and emerging issues and makes recommendations to enhance performance of the project and inform future interventions by DGF and LASPNET.

Key issues/ findings

2. **Progress against set targets and expected outputs and outcomes:** The absence of a clear log frame and agreed specific and measurable targets against which to measure progress has impacted the review. Progress has been measured using the agreed goal, purpose and outputs in the DGF/ LASPNET Project Partnership Agreement (August 2011) linked to the outputs and activities in the quarterly progress reports submitted by LASPNET.

3. Generally, the last year of project implementation has largely been one of **"construction" and institutional building at LASPNET.** Progress has been attained: in the establishment of an independent secretariat with staffing; drafting and discussion of key policy and institutional documents; membership has increased to 37; and LASPNET's engagement with state/non-state actors has been increased- on influencing the development of the National Legal Aid Policy and enhancing child rights in the justice system.

4. **Key issues however remain, around the "coordination" role** of LASPNET and what this entails in terms of programming, activities and requisite capacity for it to add value and be relevant to its members. Consultations with LASPNET, its members and other actors highlighted three critical aspects of the coordination role that are expected – a <u>collective role</u> bringing together LASPs- for solidarity in strategizing, sharing lessons and experiencesand minimising duplication; <u>capacitating</u> LASP sthrough collaborative research, and analysis; providing strategic guidance and linking international/ regional

developments and best practice on legal aid to national interventions; and <u>Voice and visibility</u>- documenting, providing feedback and amplifying their voice on key legal aid issues at national level. LASPNET has been doing a bit of each, but perhaps not systematically/ coherently as to have an impact. Going forward, the call is for LASPNET to move to from "*construction*" to "*cohesion*" by reducing scope of activities/ interventions and focusing on these key roles, at least in the medium term.

5. While **membership has grown slightly from 35 members in 2010 to 37** members in 2011, there is no clear baseline on how many LASPs there are so as to measure whether LASPNET has attained the 70% increase envisaged. In addition, there is need to engage ULC to revisit both the definition/ classification of LASPs and the prerequisite for certification of LASPs to the ULC especially for community based organisations. The issue of quality and strength of membership must also be addressed through capacity building.

6. **Gender dimensions of the project:** Gender plays a key role in legal aid provision in Uganda with women and children more adversely affected by dysfunctional justice systems. More focus should be placed by LASPNET on mainstreaming gender across all programming and this requires capacitating LASPNET staff in key issues such as patriarchy and power relations/structures that exacerbate women's inequality in society.

7. **Strategic approach and intervention modalities:** LASPNET seeks to provide <u>strategic linkages</u> and a <u>collaboration framework</u> for Legal Aid Service Providers (LASPs) in Uganda and a <u>common front</u> to inter face with the JLOS. This purpose is in direct response to the gaps that have long been identified in legal aid service provision by non-state actors in Uganda. However, the intervention modalities do not fully/dynamically reflect this purpose, and in some cases there is a likelihood of overstepping the mandate of the ULC (e.g. on oversight of LASPs). There is need to revisit both the expected outputs and key activities in line with a concretised role of LASPNET.

8. **External factors (positive/ negative) impacting on the level of achievement:** The ULC is mandated to provide oversight and regulation to LASPs; however it has been ineffective in this regard. LASPNET has to engage ULC on clear division of roles and to advocate for JLOS to address ULC restructuring and capacity constraints. In addition, the **general restrictive policy and legislative framework/ climate for NGOs** operations in Uganda has constrained advocacy efforts that seek to challenge the status quo or address sensitive issues e.g. escalating human rights violations. LASPNET should engage with the wider NGO community calling for a revision of the NGO policy/ legislative framework and improved operating environment.

9. **Project expenditure patterns and deviations:** There have been no major deviations, however some costs have been hiked with the recent inflation and spiralling prices e.g. for

fuel and other office operational costs e.g. stationary. In addition, the budget items should be revisited once LASPNET's role is clarified so as to better support specific interventions to boost its strategic engagement with its membership.

10. **Technical, administrative and managerial capacity:** LASPNET's staffing has to be revisited in line with emerging demands around a strategic, analytical body amplifying the voice of its members. In this regard, core skills that must be prioritised are technical skills (justice/legal aid), research/ analytical skills; and communications and advocacy.

11. **Governance structures and internal accountability system** –The Steering Committee has played a key role in getting LASPNET to where it is now, but it needs to play a more robust and strategic role to guide LASPNET in clarifying and concretising its role in Legal aid service provision in Uganda, providing guidance on status and direction of legal aid service provision, while also acting as a buffer in advocacy negotiations with JLOS especially at policy level.

12. **Key lessons learnt and good practices:** The process of engaging JLOS during the on-going development of the National Policy on legal Aid has been a lesson in preparation and persistent. By preparing position papers on topical issues such as child rights, LASPNET was able to engage from an informed position enhancing its opportunities to influence direction of the policy.

13. **Cost effectiveness and sustainability**- LASPNET must utilise its limited staff resources better by working through and drawing on the work of its members to upscale good practices/ innovations without duplicating efforts.

Key Recommendations:

14. LASPNET has a key role to play in the coordination of legal aid service provision in Uganda but should now move from the **"construction" phase to "cohesion" by revising its mandate/ role and narrowing focus of interventions**. LASPNET should move towards providing strategic guidance (*likened to a think tank role on legal aid service provision*) and space for LASPs to engage and share lessons and to amplify their voices and issues at national level.

15. **Staffing capacity** should likewise be strengthened in **technical aspects** (access to justice and legal aid), **research, communications, and advocacy**. Research and advocacy should be driven by an understanding of the sector, reflection on global and regional trends in legal aid, and informed by members' experiences and lessons of legal aid provision. This studied approach will enhance quality of advocacy at the Sectoral level.

Section A: Introduction and Context:

Legal aid in Uganda

1. Access to justice is **much more than improving an individual's access to courts, or guaranteeing legal representation** and must be defined in terms of ensuring that legal and judicial outcomes are just and equitable. Access to justice goes further to encompass the ability of people especially those from disadvantaged groups to prevent and overcome human poverty by seeking and obtaining a remedy, through the justice system, for grievances in accordance with human rights principles and standards.[1]

2. In this regard, legal aid[2] is of paramount importance especially in a context like Uganda where high poverty and illiteracy rates and a culture of human rights violations persists; and **underpins the attainment of other rights** such as health, education, and property. Legal aid, if well utilised, should empower rights holders particularly vulnerable individuals and communities to seek and access remedies for human rights abuses and violations and for dispute resolution.

3. In Uganda, **Legal aid is largely provided by non- state actors**/ Legal Aid Service Providers at national and community level. This is despite Constitutional provisions under Article 28 on mandatory provision of legal aid for offences of a capital nature. A number of studies[3] have been undertaken to establish the state of legal aid, map legal aid service provision, key providers at national and community level.

4. These studies **highlight key issues** notably the critical role played by LASPs to fill a void left by the government around legal aid provision not only for criminal matters but for civil matters including inheritance and succession matters, land rights, contractual disputes both in urban and community level.[4] Key concerns are however raised around the absence of a policy, legislative and institutional framework for the provision of legal aid in Uganda, poorly prioritised and dysfunctional State Brief scheme; the poor quality of legal aid, lack of standardisation and sustainability of interventions; poor coordination among

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[1]UNDP, 2004: Access to Justice Practice Note, 9/3/2004 at page 6; also see Handbook on Improving Access to Legal Aid in Africa, Criminal Justice Handbook series, UNODOC 2011 pg. 10

[2] Narrowly defined under the Advocates (Legal Aid to Indigent Persons) Regulations, 2007 as the provision of legal advice or representation by a lawyer, an advocate or a paralegal

[3] E.g. the Joint Survey on LCC and Legal Aid in Uganda, NCG, 2006; The LASPNET Mapping Report: Legal Aid Service Provision in Uganda, 2009; Access to Justice and Legal Aid in Africa, A report by the Danish Institute for Human Rights, based on a cooperation with the East African Law Society, December 2011

[4] The JLOS Annual Performance Report 2010/2011, September 2011 based on consolidated reports from LASPNET, notes that between July 2010- June 2011, LASPs registered 18,899 cases, of which 8,053 were resolved 2,125 referred and 8,721 pending.

LASPs resulting in duplication of efforts; and limited engagement with state actors especially at policy levels.

5. There has been **limited voice and advocacy at national level** and while there have been localised success stories (e.g. on use of mediation and establishing community based structures for sustainability) and impact in influencing law reforms (e.g. enactment of the Domestic Violence Act); there has been less impact in up- scaling and replicating successes at national level; implementing laws enacted, and in shifting attitudes, practices of justice institutions and officials.

On-going reforms in the justice sector:

6. To address some of these and other challenges, **JLOS recently launched its third Strategic Investment Plan (JLOS SIP III 2012/13- 2016/17)** whose strategic focus[5] in the next five years is to enhance the performance of its institutions to deliver three results: i) a strong policy, legal and regulatory framework for its operations, national economic growth, employment and prosperity, ii) improved access to JLOS services for all particularly the vulnerable, and iii) enhanced human rights observance and institutional accountability in service delivery.

7. The JLOS has also been engaged in developing a **National legal aid policy and Bill** to regulate and govern the provision of legal aid in Uganda. The 5th draft of the Policy was discussed and validated at a Stakeholder Forum early this year and overall, there was general acceptance of wide reaching reforms that seek to provide for universal access to state funded legal aid. However, contentious issues remain around the institutional framework for management (issues around independence of a national legal aid service provider- whether to establish a Legal Aid Board under the Ministry of Justice with both management and oversight functions or devolve management to existing service provider e.g. the Uganda Law Society); regulation of legal aid provision (what role to be played by the ULC) and delivery mechanisms to utilise (whether and how to adopt specific models of legal aid provision e.g. Paralegal Advisory Services and Justice Centres).

8. On its part, LASPNET was established **to address key issues around collaboration and national voice** of LASPs and has the core mission to enhance coordination among LASPs and to provide strategic linkages and a collaboration framework for Legal Aid Service Providers (LASPs) in Uganda and a common front to inter face with the JLOS.

9. LASPNET has **brought together 37 LASPs under one collaborative network** to address some of the gaps identified among LASPs and improving referrals and better collaboration

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[5] JLOS SIP III Report 2012 pg 10

among some of the members. LASPNET has also undertaken work on enhancing visibility of members' issues in the JLOS e.g. around the Legal Aid Policy. Increasingly, LASPNET is regarded as a key front for engagement with JLOS, even though many LASPs still retain direct engagement with JLOS as well.

10. LASPNET has **engaged with these JLOS reform processes** (largely through the Secretariat) specifically with informing the legal aid policy through researched position papers notably on general approach to legal aid based on experiences of its members, and influencing provisions on children's rights to access legal aid in the justice system. A 6th draft of the Legal Aid policy has been developed for submission to the Cabinet-incorporating recommendations from the validation workshop on these contentious issues, however, this draft is yet to be shared widely with LASPNET and other stakeholders. LASPNET should upscale its policy engagement at the Sector through an enhanced role of its Steering Committee.

Section B: Progress against set targets and key issues arising

Project context:

1.   LASPNET sought to address a gap in coordination among legal aid service providers. The project **goal** is to run a functional and effective coordinating institution for Legal Aid Service Providers (LASPs). Support is broadly aligned to implementation of LASPNET's Strategic Plan (2010-2015) and the **project purpose**[6] is to provide strategic linkages and a collaboration framework for Legal Aid Service Providers (LASPs) in Uganda and a common front to inter face with the JLOS. Four key outputs were identified as:

a)   *Establishment of an independent LASPNET Secretariat.*
b)   *Increased membership of LASPNET to include at least 70% of LASPs.*
c)   *Coordination and oversight for LASPs in Uganda.*
d)   *Engagement with JLOS on key issues relating to Legal Aid in Uganda*

2.   The **eligible activities** as per the Partnership Agreement include:

i)   *Retention of LASPNET Coordinator*
ii)   *Development and finalising LASPNET strategic plan*
iii)   *Convening governance meetings and workshop for members.*
iv)   *Development of IEC materials.*
v)   *Training for LASPNET Coordinator.*
vi)   *Administrative oversight*

3.   The Total project budget is **UGX 228,739,000 of which UGX 184,395,000 has been disbursed as by 31st March 2012 leaving a balance of UGX 44,344,000.** The funding was to support LASPNET to meet the core budget of the secretariat to: ensure collective research and advocacy; improve human and institutional capacity of secretariat and amongst members; build strategic networking opportunities for sector-wide collaboration and dialogue, fundraise for joint implementation of programmes with member organisations and develop system, structures and mechanisms to improve service delivery.

Progress against set targets and emerging issues:

4.   The **absence of a clear log frame and agreed specific and measurable baselines and targets** against which to measure progress has impacted the review. For instance, while the Partnership Agreement mentions the above framework, the quarterly reporting is against a different set of outputs whose source was not established. A new set of

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[6] DGF/ LASPNET Partnership Agreement, August 2011

indicators should be agreed with DGF and these used in reporting going forward. These are:

- o *Output 1:* A conducive policy environment to guide legal aid agenda
- o *Output 2:* A network of legal aid providers for better service delivery
- o *Output 3:* A set of management structures to steer strategic direction
- o *Output 4:* A diverse source of funding for strengthening the Network
- o *Output 5:* A system for proper information/knowledge management

5. For purposes of the review, progress has been measured using the agreed goal, purpose and outputs in the **DGF/ LASPNET Project Partnership Agreement** (August 2011) while drawing from and aligned to the outputs and activities in the quarterly progress reports submitted by LASPNET. The detailed progress is discussed in a table annexed hereto (Annex 3). The section below presents a highlight of emerging issues against the parameters in the scope of work in the TORs.

6. Generally, the last year of project implementation has largely been one of **"construction" and institutional building at LASPNET.** Progress has been attained: in the establishment of an independent secretariat with staffing; drafting and discussion of key policy and institutional documents including LASPNET's strategic plan and internal policy documents (e.g. Steering Committee Manual) have been drafted and the later are awaiting approval; membership has increased to 37; and LASPNET's engagement with state/non-state actors has been increased specifically on enhancing child rights in the justice system and influencing the on-going development of the National Legal Aid Policy.

7. **Key issues however remain, around the "coordination" role** of LASPNET and what this entails in terms of programming, activities and requisite capacity for it to add value and be relevant to its members. Consultations with LASPNET, its members and other actors highlighted three critical aspects of the coordination role that are expected – a collective role bringing together LASPs- for solidarity in strategizing, sharing lessons and experiences and minimising duplication; capacitating LASPs through collaborative research, and analysis; providing strategic guidance and linking international/ regional developments and best practice on legal aid to national interventions; and Voice and visibility- documenting, providing feedback and amplifying their voice on key legal aid issues at national level.

8. LASPNET has been doing a bit of each, but perhaps not systematically/ coherently as to have an impact. Going forward, the call is for **LASPNET to move to from** *"construction"* **to** *"cohesion"* **by reducing scope of activities/ interventions and** focusing on these key roles, at least in the medium term. Members/ stakeholders see

LASPNET playing more of a strategic/ *think tank* role around legal aid provision drawing from global, regional and national experiences and lessons, and partnering with the existing (ULC) and proposed regulatory and management structures (e.g. Legal Aid Board). A number of developments are happening at the global and regional levels that need to be brought to the attention of LASPs e.g. the recently released Handbook on Improving Access to Legal Aid in Africa.[7] At the same time, Uganda has had a number of innovative practices that have been developed in the justice sector e.g. the Chain Linked and the JLOS and these have informed reforms elsewhere. Likewise, LASPNET can play a key role in documenting good practice and emerging lessons to inform both national LASPs and the global community.

Box 1: Key role played by LASPNET on coordination and voice

"LASPNET brings together organisations and makes LASPs more effective in advocacy. They have been effective in voicing members' opinions particularly over the draft legal aid policy. We send LASPNET quarterly reports on activities and cases handled. LASPNET also shows initiative and contacts us when the need arises. It leads capacity building sessions which have been helpful for legal officers. LASPNET's activities could be stepped up so that more LASPs are involved across the country. They should do more to make other voices heard at the national level, which involves them knowing what all groups are doing."[8]

9. While **membership has grown slightly from 35 members in 2010 to 37** members in 2011, there is no clear baseline on how many LASPs there are so as to measure whether LASPNET has attained the 70% increase envisaged. The LASPNET Mapping Report in 2009 listed 39 LASPs across the country some of which are members of LASPNET. A key limitation to increased membership has been the prerequisite for certification by ULC (as per Advocates Regulations requirement for having a qualified lawyer attached to the LASP) which particularly limits grass roots organisations and others that are not directly providing primary legal aid but play a key role e.g. academic and research institutions. There is need to revisit both definition/ classification of LASPs and the prerequisite for certification of LASPs to the ULC especially for grassroots organisations.

10. LASPNET's strength should be derived from that of its members. However, a **number of LASPNET members are either weak or inactive**; some due to internal reorganisation and lack of funding e.g. PDAU and UGRC. Largely focusing at the increase in members numbers negates the aspect of strength and quality of membership.

11. In addition, apart from members, there is a **new category of "partners"** such as Plan Uganda and World Vision Uganda- which partners LASPNET has at times concentrated limited staff resources (due to the nature of the relationship and benefits accruing to both LASPNET and these partners of profiling thematic issues e.g. Children's rights).

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[7]UNODC, Criminal Justice Handbook series, 2011

[8]Lydia NamaziFHRILegal Officer, Kampala 9 May

12. Good models of partnership and emerging, however, LASPNET has tended to focus more on partners to the detriment of membership organisations. Indeed, some members have questioned whether it's better not to partner with LASPNET as opposed to being members since issues presented by Partners have been prioritised. LASPNET has to clarify the various categories open to those that wish to join as members/ partner and be more responsive in line with identified needs so as to make membership attractive.

13. The table below outlines the core differences between LASPNET's partners and members as outlined by LASPNET secretariat. Groups that are not members or partners are not aware of the different partnership categories which exist. Allowing groups to partner because "ineligible or uninterested in membership"[9] does not serve LASPNET's longer term aim of being an effective membership based coordinating body. If partners do not see the benefit in joining then what tangible benefits are there for members? Given that there is a provision for a regular review of member benefits by the Membership and Constituency Servicing Team, there should be one in the wake of this review to help identify existing benefits and support valued products for members.

	Members	Partners
Prerequisites	Registered and certified with NGO board Organisational constitutions Two years of operation Two years of audited accounts	MoU Partnership agreement
Timing	Annually	Ad hoc
Purpose / Benefits	- Collective voice and influence as a direct result of working with members - Increased access to collaborative network for sharing and learning - Access to member database -Presence in sector-wide representation -Ability to shape strategic direction and leadership of LASPNET - Access to information, funding and networking opportunities. [10]	"Cooperate with a given partner so as to advance mutual interests considering specified ToR", especially thematically "In a number of cases where complementarities with a given partner are necessary, strategic, or expected for effective functioning of the Network." "Enter into partnership on

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[9] LASPNET Coordinator, email contact with reviewers 5/6/12
[10] LASPNET Membership Charter

		identification of the need to have shared or common interventions in coalition building, project implementation, technical support, and/or financial assistance towards a given goal that is akin to the vision, mission, philosophy, and mandate of the Network without necessarily becoming a member."
Number	37	3 – World Vision in process

Gender dimensions of the project:

14. Gender plays a key role in legal aid provision in Uganda with **women and children more adversely affected by dysfunctional justice systems**. Majority of LASPNET members are dealing with cases/ disputes affecting women and children e.g. in criminal justice on sexual gender based violence and in civil justice on land, family matters (succession, inheritance, domestic violence) and contractual disputes. LASPNET tried to mainstream a gender focus in the capacity building training for members by ensuring the curriculum is responsive to gender dynamics and has provided some technical support to some members requiring gender analysis/ input.[11] However, more focus should be placed by LASPNET on mainstreaming gender across all programming and this requires capacitating LASPNET staff in key issues such as patriarchy and power relations/structures that exacerbate women's inequality in society.

Strategic approach and intervention modalities:

15. LASPNET seeks to provide <u>strategic linkages</u> and a <u>collaboration framework</u> for Legal Aid Service Providers (LASPs) in Uganda and a <u>common front</u> to inter face with the JLOS. This **purpose is in direct response to the gaps that have long been identified around coordination of legal aid service provision by non-state actors** in Uganda.

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[11]AHURIO in Fort Portal gave examples where technical support on gender issues has been given by LASPNET's Legal Officer on several occasions, enabling them to provide better service to their clients and enabling them to submit a proposal for a gender-focused legal aid project. Interview with Fred Kayongo, AHURIO, Coordinator, 14 May 2012

However, the **intervention modalities do not fully/dynamically reflect this purpose**, and in some cases there is a likelihood of overstepping the mandate of the ULC (e.g. on oversight of LASPs). There is need to revisit both the expected outputs and key activities in line with a concretised role of LASPNET.

16. In addition, **tapping membership strengths for good practices** (e.g. of case management and operational referral system) and replicating/ up scaling these is more cost effective and responsive than creating new systems such as the proposed informational case management system that could end up as a costly white elephant and yet some good systems could already be in use by members e.g. UCLF has developed a simple excel based tool to track cases that could provide valuable insights to LASPNET. This could impact on LASPNET's LEAP proposal as it suggests that a more cost-effective, member-ship driven mechanism could be used to deliver the same.

External factors (positive/ negative) impacting on the level of achievement:

17. **External factors (positive/ negative) impacting on the level of achievement:** In the absence of a national Legal Aid policy, legislative and institutional framework gaps exist around quality, coordination and coherence of legal aid in Uganda. The ULC is mandated to provide oversight and regulation to LASPs, however it has been ineffective in some regards owing to limited capacity and resourcing. LASPNET has at times stepped up to play an oversight role in monitoring LASPs exerting its limited resources and potentially overstepping its mandate. Instead, LASPNET should engage ULC to take action on key issues emerging especially around quality and standardisation.

18. In addition, the **general restrictive policy and legislative framework/ climate for NGOs** operations in Uganda has constrained advocacy efforts that seek to challenge the status quo or address sensitive issues e.g. escalating human rights violations and poor human rights culture of the Police Force, on cases involving politically sensitive matters (like the cases of the 2009 Buganda Riots), and handling cases at the Court Martial. So as to be more effective on behalf of its members, LASPNET should step up its participation and actively engage with the wider NGO community (under NGO Forum) that is calling for a revision of the NGO policy/ legislative framework and improved operating environment. Being proactive will enable LASPNET make a more meaningful contribution in regards to positively influencing change at policy level and in the law.

19. On the positive side, **LASPNET has good will from LASPs** who are often willing to participate in LASPNET activities while also demanding for more in terms of engagement and support. LASPNET has also built strong relationships with the JLOS through the Secretariat and with Partners and International NGOs (e.g. War Child Canada and Plan Uganda). LASPNET should leverage its space on these platforms (e.g.

on JLOS working groups) and the good will to garner support for a more enhanced strategic role.

Project expenditure patterns and deviations:

20. The project budget is **UGX 228,739,000 of which UGX 184,395,000 has been disbursed with UGX 32,748,500 to be spent in April/ May**. Funding was to cover core costs (e.g. staff salaries, rent, and operational costs). There have been no major deviations, however some costs have been hiked with the recent inflation and spiralling prices e.g. for fuel and other office operational costs e.g. stationary. In addition, the budget items should be revisited once LASPNET's role is clarified so as to better support specific interventions beyond salaries, rent and operational costs for instance on capacity needs assessment and capacity building interventions for LASPs.

LASPNET Project Budget/ Expenditure July 2011- March 2012

Quarter	Total disbursed (UGX)	Expenditure (UGX)	Not spent (UGX)
Jul-Sept 2011	60,957,000	48,961,000	11,996,000
Oct-Dec 2011	45,340,000	56,851,000	489,000
Jan-Mar 2012	63,594,000	43,819,000	20,263,500
Total	**184,395,000**	**149,631,000**	**32,748,500**

Source: *Derived from the LASPNET Quarterly progress reports and budget matrixes*

Technical, administrative and managerial capacity:

21. **Technical, administrative and managerial capacity:** LASPNET's staff capacity has been strengthened through the recruitment of staff currently comprised of a National Coordinator, Legal officer, project accountant and administrative staff. These have played a commendable role in engaging LASPs and partners. LASPNET has indicated that it requires additional staffing in ICT and programme level to meet identified needs. However, LASPNET's staffing has to be revisited in line with emerging demands around a strategic, analytical body amplifying the voice of its members. In this regard, core skills that must be prioritised are technical skills (access to justice and legal aid), research/ analytical skills; and communications and advocacy.

22. The **absence of an information and knowledge management system impinges** on LASPNET's access to accurate and relevant information and analysis necessary to inform LASPs and policy makers e.g. information around number, type and justice outcome of cases handled by LASPs across the country. However, proposed intervention of investing in a computer based case management system do not seem

appropriate in light of current capacities within LASPs to even provide the basic information. Some JLOS institutions (DPP and Judiciary) have experience in developing costly computerised cases management systems that have not been as effective as envisaged due to poor attitudes and capacities of lower level agencies and inadequate supervision by management. An interim measure for LASPNET could be in adopting practical and user friendly systems that have already been developed by its members, while strengthening use and quality of information from existing members' manual systems as a precursor to IT based systems.

Governance structures and internal accountability system

23. The Governance structures are in place in the form of the **General Assembly and the Steering Committee** which should provide strategic and policy guidance to LASPNET. The Steering Committee has played a key role in getting LASPNET to where it is now, but it needs to play a more robust and strategic role to guide LASPNET in clarifying and concretising its role in Legal aid service provision in Uganda while also acting as a buffer in advocacy negotiations with JLOS (particularly with the Secretariat and at policy level). Membership and service to the SC is voluntary, drawn from LASPNET members only which is potentially limiting especially for external voices from agencies that are not LASPNET members but have a key role to play in the Justice Sector. There is also potentially a conflict of interest given that these SC members are also seeking funding from the same agencies. In addition, they could lack requisite clout to engage at political and policy level and push through advocacy positions given that representation to SC is at times delegated to middle management and programme officers in LASPs.

24. There have also been calls to strengthen the Steering Committee structure, by **effectively utilising the regional representatives** to provide feedback and collect information on and from all LASPs regionally, which should incrementally provide a holistic and updated picture of legal aid service provision in Uganda.[12]

25. Given delays encountered in getting the often busy members of the SC to meet, review and approve policy documents necessary for it's operations, LASPNET has adopted a modus of conducting SC roles **through smaller working groups** comprised of SC members. This approach seems to work in p**ush through operational decisions but does not provide adequate scope for providing coherent strategic direction** to the organisation. The bigger picture seems to have been swallowed up.

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[12]Ojom Bernard- War Child Canada, (Gulu), Legal Officer, 16 May 2012

26. **Accountability to members has been limited** by the delay in holding regular forums that bring together its membership with the Annual General Meeting (AGM) as the key platform utilised. LASPNET has also met members through workshops focusing on specific/ thematic issues e.g. on influencing the National Legal Aid Policy. Holding AGMs or other forums should enable LASPNET to holistically engage the membership on wider issues such as the state of legal aid, what is required of LASPNET and its members (e.g. on the quality of legal aid, or documenting and up-scaling innovative approaches) and the operating environment for LASPs/ NGOs. However, the format and structure of the AGMs has to be revisited to allow for discussion on topical issues on legal aid provision in Uganda.

> *"AGM December 2011 brought together practitioners and encouraged sharing of work areas, issues, and facilitated the exchange of solutions between members and partners. This helped inter-LASPs learning and adopting of good practices. Legal Aid Open Week – is also deemed really effective and successful for furthering the voices, aims and good practices of different LASPs*
> **Legal Officer, PAS**

27. On another hand, LASPNET's **internal financial accountability systems are relatively robust,** due to the nature of funding (core institutional costs e.g. salaries, rent and not programme) and strict reporting measures set by DGF.

Key lessons learnt and good practices:

28. LASPNET has made important steps to promote collaboration among its members by **sharing case studies through its email updates and newsletter** and provided a forum for debate, exchange on some issues. A common view held is that LASPNET is good at disseminating information to members, however, strategic follow up or agenda setting functions are still weak, weakening its position in the sector.

29. **Members[13] consulted felt that the AGM, the Legal Aid Week and other workshops have enabled exchange of information and good practices.** However, this analysis and documentation should be systematically done. In addition, up country members at times felt that priorities of the Secretariat were not as well matched with needs of members, especially those outside of Kampala. Inaddition, the collective voice can also be strengthened by systematic engagement with members to draw their issues out- this can be done via email, telephone discussions.

30. LASPNET has **supported LASPs to prepare for inspection** by ULC hastening the process of certification. At present, 10 members have submitted certification requests and are awaiting inspection. Several members have not been inspected or certified by

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[13]Legal Officer, PAS, Kampala 9 May

ULC.[14] Discussions need to be taken further around definition of LASPs and certification of grass roots organisations/ structures that have been established by mainstream LASPs as exit structures e.g. FIDA has Community Volunteer/ paralegals who are encouraged to establish CBOs, while UCLF has supported local leaders to establish Steering Committees as Community Rights Activists. These community structures play a key role in enhancing access to justice at the local level, but must be accompanied by on-going support and supervision so as not to overstep their jurisdiction and not to abuse rights of vulnerable members of the community.

31. The **process of engaging JLOS** during the on-going development of the National Policy on legal Aid has been a lesson in preparation and persistence. By engaging stakeholders and preparing position papers on topical issues such as child rights, LASPNET was able to engage from an informed position enhancing its opportunities to influence the policy making process.

Box 2: LASPNET: Building effective partnerships

"LASPNET provided much needed assistance with the Law Council, which had otherwise not been responsive to our request for an inspection: sent contact details, forms, put us in personal touch with Legal Aid Desk. We even visited them together. This shows LASPNET's value added in providing information and guidance to up country groups. LASPNET has also sought to assist our office to get Laws of Uganda. We pay our annual subscription fee in instalments over a year UGX 200,000. LASPNET is flexible because they know the financial constraints we operate under. With membership every coordinating organisation wants to have a number of members to show off to donors, but LASPNET is inclusive and includes us beyond financing proposal. We don't feel like we are being used. It is building a strong voice for advocating for human rights and we feel that we are part of that."[15]

Cooperation with state and non- state actors:

32. LASPNET has **established good working relations with Sector structures** e.g. JLOS Secretariat and Working Groups; UN Agencies like UNICEF, LASPs such as FIDA and I-NGOs e.g. Plan Uganda, World Vision Uganda and War Child Canada. Much of this has relied upon the innovativeness secretariat in building awareness of LASPNET with influential individuals in institutions, especially in JLOS and ULC.

33. LASPNET has **worked through its partnerships to support collaborative research and joint advocacy,**e.g. by creating a common position on legal aid service provision and pushing for greater participation in JLOS processes, especially during the drafting of the National Legal Aid Policy and Bill. LASPNET has also worked with Plan Uganda and

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[14]Interview with Stella Nandria, ULC State Attorney in Charge of Legal Aid, 18th May 2012
[15]Fred Kayongo, AHURIO, Coordinator, Fort Portal, 14 May

UNICEF to develop positions on child focused legal aid provision in the justice system using these to influence the on-going drafting of the National Legal Aid Policy.

34. It is also working towards **increasing the scope of collaboration with Justice Centres**, although lack of finalised internal policy documents has stalled signing of MoUs. While a thematic approach is useful in narrowing down to specifics and developing key positions, there is need to enhance coherence and consistency in engagement with different stakeholders/ partners on the same issue e.g. LASPNET has worked with FIDA, UNICEF, Plan, World Vision Uganda at different times on children's rights; at the same time, there are innovations underway by JLOS and the Justice for Children (J4C) that could also be draw upon in informing positions.

35. Engagement with JLOS has **largely been at the technical level and there is also need for closer engagement at the policy level** and this is where the LASPNET Steering Committee can play a stronger role. This calls for fast tracking the development of an internal and external communications strategy (linked to its research and knowledge management processes) to support information flow (to and from members) and advocacy and publicity work with partners, JLOS and the Public.

Cost effectiveness and sustainability

36. LASPNET's **internal strengths/ resource are in its staffing** and it's on these components that the biggest portion of the expenditure is together with operational costs. This calls for increased prioritisation of engagement areas and better utilisation of limited staff resources to target areas that would have multiplier effects e.g. drawing on work of Members/ partners to analyse trends and develop position papers for advocacy with the Sector. LASPNET should also explore opportunities to work more through its members (e.g. on research in topical issues/thematic areas) or upscale good practices/ innovations without duplicating efforts.

37. There is currently **over dependence on the** DGF as a single funding source for institutional costs. Should funding cease, LASPNET would not be able to sustain current levels of engagement. Membership contributions (at UGX 200,000 annual membership fee per member) are still too low/ inadequate[16] to fully support LASPNET's programmatic and operational activities. Previously, LASPNET was hosted by a member organisation- the Legal Aid Clinic, and this is one option to consider. However, this has some disadvantages in the possible fusion of strategies/ activities with the host agency and limited independence. To enhance its funding base, LASPNET has taken

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[16] If all 37 members were to pay the annual subscription fee, this would amount to UGX 7,400,000 barely enough to meet the annual operational costs. However, not all members are able to pay their annual subscription

steps to engage other donors/ agencies, with success in short term support e.g. with UNICEF and PLAN Uganda on positioning children's rights in the JLOS. However, long term institutional support is still lacking and going forward, this remains a key challenge for LASPNET.

Section C: Recommendations and Conclusions

Conclusions:

1. LASPNET's **strengths lie in its membership**, whose good will it has. But for gains to be fully realized there needs to be a strategic assessment of: what members currently get (strengths) and what they would like to see more of (weaknesses). Members and partners appreciate LASPNET's contribution and coordination, but the call for more and better engagement has been sounded by a number of stakeholders consulted. Visibility has been enhanced but remains relatively low especially out of Kampala.

2. In spite of these constraints **LASPNET has delivered considerable results**. To date, energy has been concentrated on internal policy and structure, which is important. Now LASPNET must work on enhancing strategic guidance and support in order to remain relevant to members and sector. It should not try to do everything to remain relevant, but rather select and strengthen. This process should be member and demand driven and use the LASPNET strategy document to refocus on what members want most- collective space, capacity building and a common voice.

3. The key recommendations call for strategic thinking, as a prerequisite to this and extending advocacy strategies, there needs to be a steering committee able to give this collaborative, proactive, strategic direction, preferably with relationships with key stakeholders already in place. This is crucial to LASPNET's common voice component.

Recommendations:

4. LASPNET has a key role to play in the coordination of legal aid service provision in Uganda but should now move from the **"construction" phase to "cohesion" by revising its mandate/ role and narrowing focus of interventions**. LASPNET should move towards providing strategic guidance (*likened to a think tank role on legal aid service provision*) and space for LASPs to engage and share lessons and to amplify their voices and issues at national level.

5. **Staffing capacity** should likewise be strengthened in **technical aspects** (access to justice and legal aid), **research, communications, and advocacy**. This can be done through intensive capacity building for existing staff plus recruitment of at least one Advocacy officer. Research and advocacy should be driven by an understanding of the sector, reflection on global and regional trends in legal aid, and informed by members' experiences and lessons of legal aid provision. This studied approach will enhance quality of advocacy at the Sectoral level.

6. Uganda has had a number of innovative practices that have been developed in the justice sector e.g. the Chain Linked and the JLOS and these have informed reforms elsewhere. Likewise, a number of innovative approaches exist on legal aid provision and **LASPNET should engage on wider issues around Legal Aid** drawing on lessons and good practices from the region, highlighting **new trends in Legal aid provision and documenting emerging good practices at national level for sharing** with members and regional and global networks. LASPNET should also consider documentation of good practices for possible replication and up-scaling across the country (through partnership with approved legal aid body and with JLOS).

7. LASPNET should **engage ULC and facilitate a national debate on definition and certification of legal aid service providers** in light of the multitude of existing community based organisations that do not fulfil the requirements and yet play a critical role in provision of legal aid at the grassroots and as sustainability measures adopted by members e.g. Community Rights Activists by UCLF.

8. LASPNET should **develop and implement an internal and external communications strategy** to enable it prioritise what information is needed, from what sources before it sets out to develop a big scale computerised information management system. Based on lessons from some LASPs e.g. UCLF, case management systems do not have to be complicated- in fact, the simpler the better. What is critical is to start with simple formats and engage members on critical data needed e.g. types and number of cases handled and outcomes disaggregated by age, gender, and other parameters.

9. **Revisit the role and membership of the Steering Committee** and frameworks for engaging members outside the AGM. The former might require an amendment of the Constitution.

10. **Document, analyse and build on the experiences and lessons of engaging with partners** and the JLOS to inform and influence the National Legal Aid Policy over the last year. This should enable LASPNET to enhance its advocacy efforts.

11. Work with members to **establish capacity gaps and develop/ implement capacity building programme** looking at legal aid aspects, but also at institutional issues, and quality assurance (taking forward work started on the Quality Assurance Mechanism- QUAM).

12. In light of the narrowing space for NGO operation and engagement on sensitive human rights issues, **seek closer collaboration with other human rights membership organisations** including the UHRC, and non-state actors like the NGO Forum and HURINET to advocate for a revision of the legislative framework and easing of the operating space for NGOs including LASPs.

Annexes:

Annex 1: List of Persons interviewed

Name	Organisation	Designation	Time and day
Sophie Racine	DGF	Rights, Justice and Peace Component Manager	3 May 2012 2.00pm
Walakira Winifred	DGF	Programme Officer	
Richard Muganzi	LASPNET	Project Coordinator	7 May 2012 10.00am
BernaBakidde	LASPNET	Legal Officer	7 May 2012 10.00am
Eunice Nabafu	UCLF	Project Director	7 May 2012 3.00pm
Lydia Namazi	FHRI	Legal Officer	9 May 2012 9.00pm
Lucy	PAS	Legal Officer	9 May 2012 9.00pm
Fred Kayongo	AHURIO	Coordinator	14 May 2012 6.45pm
Juliet AngwechOpoka	Legal Aid Project (Gulu)	Legal Officer	16 May 2012 1.15pm
Ojom Bernard	War Child Canada (Gulu)	Legal Officer	16 May 2012 3.00pm
Eunice Apio	FAPAD	Coordinator	17 May 2012 8.30am
Stella Nandria	Uganda Law Council	Senior State Attorney	18 May 2012 10.00am
Laura Kanushu	LAPD	Executive Director	18 May 2012 6.00pm
Valentine Namakula	Centre for Justice Studies and Initiatives (CJSI)	Executive Director	May 2012

Annex2: List of Sources/ materials used

1. DGF Partnership Agreement/ MoU, August 2011
2. DGF Finance and Administration Manual (Business Procedures)
3. DGF Programme Document (www.dgf.ug)
4. DGF Project Cycle Management (Business Procedures)
5. DIHR, Access to Justice and Legal Aid in Africa, December 2011
6. Handbook on Improving Access to Legal Aid in Africa, UNODOC 2011
7. JLOS Strategic Investment Plan (SIP III) 2012/13- 2016/17
8. JLOS Annual Performance Report 2010/2011, September 2011
9. LASPNET Annual and quarterly reports, 2008-2010
10. LASPNET Mapping Report of Legal Aid Service Provision in Uganda, 2009
11. LASPNET Quarterly reports 2011 -2012 (1st, 2nd and 3rd)
12. LASPNET Five Year Strategic Plan 2010 -2015
13. Monitoring visits reports
14. Partnership Agreement Disbursement Budget and quarterly reconcilliation
15. Uganda Police Force, Uganda Annual Crime Report 2010

Annex 3: Analysis of progress per output

Output Area/ Activity[17]	Target[18]	Progress (April 2012)	Key issues/ observations
Output 1: Establishment of an independent LASPNET Secretariat			
1.1 Staffing (recruitment and retention)		• Recruitment of Coordinator, Legal officer, Project Accountant and Administrative Staff	• Need to revisit staffing needs/ structure in terms of what coordination role entails, and key competencies required to provide strategic guidance on legal aid service provision to LASPs (other than attempting to cover all areas at a go). Key skills required include technical skills in justice and legal aid, communications, research/ analytical skills and advocacy • The organization structure provides for an ICT officer. In light of limited resources, focus could be on up-scaling good data management systems used by members. This role can also be outsourced for the start.
1.2. Develop and finalize LASPNET strategic plan and institutional policies		• Strategic plan developed and circulated to members • Institutional policies developed on Finance, Steering Committee	• Undertake mid- term review of Strategic Plan (end 2012) to sharpen and reflect LASPNET's evolving role • There is need to finalize and adopt these policies that have been pending so as to streamline organizational operations
1.3 Governance Structures		• Steering Com set up comprised of representation from LASPs/ Members • Steering Committee manual drafted • Membership charter developed and circulated to members	• Having members represented on the governance structures enhances ownership but it could also be a recipe for conflict of interest and impact on quality/ content of advice and guidance provided. Consider widening membership to include non-LASPNET members. • Key issues emerge around the role and capacity of the Steering Committee to provide strategic guidance for LASPNET- SC has largely operated at a technical level to review policy documents through working groups but needs to move towards playing a concerted role in strategic guidance on legal aid issues
1.4 Fundraising/ sustainability		• Funding proposals submitted and some funds received from	• Funding has been accessed largely for programmes and interventions. LASPNET is still challenged on accessing institutional/ core

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[17] Activities have been generated from the Partnership Agreement

[18] Targets are not specified save for membership levels

		PLAN, UNICEF, ASF, and DGF. • Additional funds are expected from TROCAIRE, and World Vision. • Proposals submitted to UNDEF, EC/EIDHR.	support outside DGF support • LASPNET should consistently build upon members' successes so as to minimize resources required to initiate and text new approaches/ mechanisms e.g. the computerized Case Management system
Output 2: Increased membership of LASPNET to include at least 70% of LASPs			
2.1. Increased membership of LASPs	70% of LASPs are members of LASPNET	2 new members brought on board bringing the number of LASPs affiliated to LASPNET to 37	• Baselines around number of LASPs are not clear. Focus of mapping interventions has largely centered on urban based and registered LASPs. • In determining membership, LASPNET focused on certification criteria by ULC. This however locks out strong grassroots organisations providing LA and others including research and academic organisations e.g. Center for Justice Studies and Innovations (CJSI) and HURIPEC that could boost LASPNET's capacity in research and analysis. • Focus is on numerical instead of quality and strength of members, some of who are inactive and in various stages of closure and inn operation due to internal dynamics and lack of funding e.g. UGRC, PDAU. • There is need to enhance capacity building initiatives for LASPs building upon what they are doing at institutional level and based on a capacity needs assessment. Some areas include; institutional development issues, fundraising, documentation, data management and case management. This should also take into account capacitating LASPs on regional/ global trends on legal aid • New trend with some agencies opting to partner instead of becoming members of LASPNET e.g. the Justice Centers. LASPNET needs to clarify the difference between partnerships and membership and value addition of each.
2.2. Develop IEC materials		• Brochure on LASPNET developed	• This activity should focus on programmatic aspects and build upon/ draw from work and experiences of members, e.g. assessment of lessons and good practices around use of Community Legal Aid Activists; and research undertaken on topical issues on access to justice and legal aid
Output 3: Coordination and oversight for LASPs in Uganda			

3.1 Convening governance meetings and workshop for members		• AGM held in December 2011 • In partnership with Avocats Sans frontiers, engaged members on the Draft Legal Aid Policy and Bill	• Annual General Meeting held in 2011 was an opportunity at which to engage members and to share updates. However, the structure and nature of AGMs should be reviewed and enhanced so as to provide an opportunity to engage on wider legal aid issues (e.g. state of legal aid in Uganda), and less on operational issues at the Secretariat. Lessons can be drawn from the AGMs of the Uganda Law Society • LASPNET has held a number of thematic workshops/ forums aimed at agreeing on positions around children's rights in the justice system and position paper on the Policy.
3.2. Coordination with LASPs		• Working with FIDA Uganda to develop and publicize a compendium of Laws relating to children • Proposal to partner with World Vision Uganda (WVU) (on legal aid to Children at Community level in 48 project areas) • Attended Steering Committee meetings of the Justice Centres	• LASPNET built useful collaboration with members e.g. FIDA. However, needs to enhance coherence e.g. among interventions that seek to reach a specific category. For instance, there is no indication that there was consistency/ coherence between the work with FIDA and that with UNICEF/ Plan Uganda, WVU and yet all are aimed at enhancing children's rights in the Justice system in Uganda. • In addition, innovative approaches are already being tested by LASPs such as the Justice for Children (J4C) that could inform any roll out plans around enhancing juvenile justice • There is need to engage the Uganda Law Council around the definition and certification of LASPs in Uganda so as to ensure that grass roots/ community based organisations are included under the network and are supported in certifying their structures/ organisations as legal aid service providers.
3.3. Development of case management system		• LASPNET website as a mechanism for information sharing and publicity. • Contribution to the annual JLOS performance report of 2010/2011.	• The existing data and information management structures are still unsatisfactory and do not fully utilize the synergies of the membership. However, this may not necessitate need for an elaborate & expensive electronic information system. Initial focus can be on documenting existing case management systems used by LASPs to identify good examples that can be replicated • A key entry point is to work with LASPs on streamlining and improving quality and timeliness of data they generate
3.4 Oversight over LASPs		• Monitoring visits held to some LASPs	• Issues of quality and standardization of legal aid service provision remain a concern. • Regulation and oversight of legal aid is the purview of the ULC, but it has not been playing an effective monitoring role. LASPNET should not take up ULC's mandate but should engage

			with ULC based on issues emerging from visits to members. LASPNET should advocate for ULC to be strengthened to undertake its key roles
Output 4: Engagement with JLOS on Key issues relating to legal aid in Uganda			
4.1 Engagement on JLOS structures		- Participated in National Task force meetings for the legal aid policy and law - Participated on JLOS working groups - Regular interface with UNICEF, Plan Uganda, LASPs and Children to advocate for a child-friendly policyand legal framework in provision of legal aid services	- LASPNET has developed robust relationships with the JLOS particularly at the Secretariat and with the working groups and has used this platform to raise and present position papers e.g. to inform and influence the on-going drafting/ validation of the legal aid policy - Critical input made into draft legal aid policy (on Children's rights), inclusion of members' experiences and client views in guiding principles for the legal aid policy. 6th draft not yet shared by JLOS with stakeholders - Process of engaging members, partners in developing positions on key issues should be replicated based on an understanding of the sector and analysis of lessons/ experiences emerging from members' interventions across the country