



Women's
Probono
Initiative

Your rights. Your life



BREAKING

BARRIERS

Pathways to Justice for
Women Behind Bars in Uganda.



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ABOUT US

The Women's Probono Initiative (WPI) is an indigenous feminist non-profit organization committed to boldly advancing equity, challenging gender discrimination and combating violence against women and girls. WPI was established in 2018 partly out of recognizing the shortage of female litigants who were actively engaged in addressing cases about the rights of women and girls in Uganda. The shortage of active female litigants meant that although male lawyers could articulate case facts, they could not communicate them from a position of experience and a deep understanding of the lived realities of women and girls. WPI uses a multi-faceted approach, including advocacy, research, and creative lawyering.



VISION: A just and equitable society where women and girls are free from ALL forms of discrimination and violence



MISSION: To advance gender justice through promoting autonomy, voice and influence of women and girls in legislation, policy and practice.



INTRODUCTION

The Women's Probono Initiative (WPI) implemented an 18-month project to advance dignity, justice, and transformative change in Uganda's criminal justice system. Initiated in August 2022, this donor-funded project aimed to transform public perceptions of incarcerated women. Specifically, the WPI adopted an integrated approach to deliver legal aid services at Kigo and Luzira women's prisons in Wakiso district, central Uganda.

WPI supported 362 women with legal aid and representation and successfully finalized 341 cases through this project. This project specifically focused on petty offences and 232 of the women we supported were involved in petty crimes such as theft and physical assaults arising from bar brawls or disagreements in making payments to female sex workers.

Through this project, we have learned that there are many courts and police stations that register and commit women to prison without offering guidance on alternative remedies available to them. For instance, 80 of those petty offences were registered in Entebbe Chief Magistrates Court. Further, female petty offenders constitute the bulk of the prison population at Kigo Women's Prison. These petty cases can be handled through mediation and reconciliation thus eliminating unnecessary remands. However, to achieve this, legal aid providers should redesign their strategies to prioritise pre-trial interventions.

Moreover, women need to be empowered to assert their rights.

Access to justice is a multi-faceted concept interlinking the protection of fundamental rights and the effective provision of justice services to everyone without discrimination of any kind, including gender.

This brief highlights four of the cases we've been involved in and sheds light on eleven lessons learned throughout the 18-month project in two prominent women's prisons in central Uganda.

CONTEXT

The Government of Uganda, through the Justice Law and Order Sector (JLOS), has made recognizable strides to strengthen the rule of law, human rights, and access to justice. However, challenges persist, including structural challenges (economic, social and cultural); knowledge and awareness challenges (for both women offenders and officers of the state), and state institutional capacity limitations (which has led to inter alia prison congestion, case backlog, limited legal aid access for vulnerable groups). There is also a historical-political challenge. Uganda's CJS is historically gendered. This system has been built by men and for men.

With that in mind, laws and policies often overlook the pathways to female incarceration. Women face economic, social, and cultural barriers that hinder their ability to secure equal protection of their rights, access legal remedies, and benefit from available legal aid. Moreover, gender stereotypes further impede women's access to justice, including legal aid, and their enjoyment of equal citizenship rights. Additionally, frontline professionals, including legal aid lawyers and other actors in the criminal justice system, may not have the requisite awareness of these barriers and entrenched discriminatory attitudes. As a result, women face challenges navigating proceedings due to inherent biases against women, poverty, and extended pretrial detention.

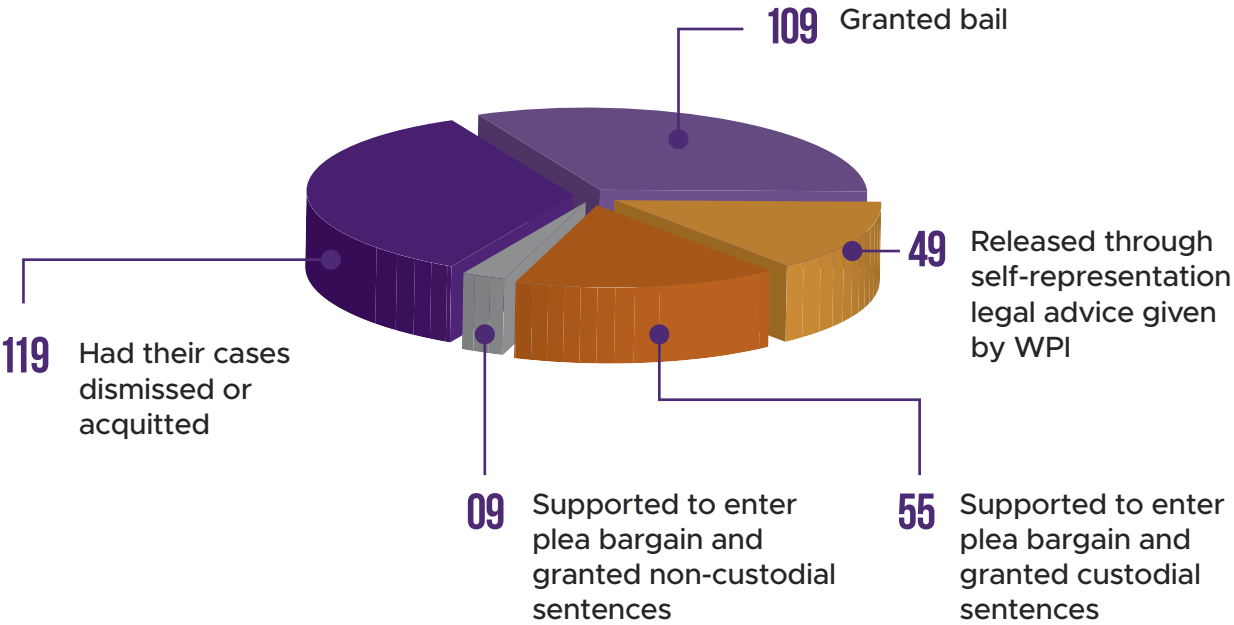


OVERVIEW OF CASES

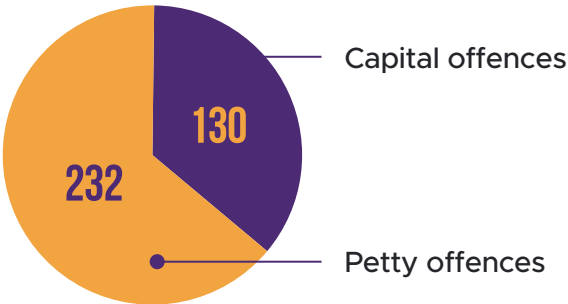
TOTAL FIGURATIVE IMPACT BETWEEN AUGUST 2022-DECEMBER 2023

A: Breakdown of overall cases handled through out the project

- Total no. of cases registered — **362**
- Total no. of cases finalized — **341**
- Total no. of cases still ongoing/Pending — **09**





















Summary breakdown



No. of Lawyers



B: Breakdown of petty offences registered per court.

COURT	NO. OF PETTY CASES REGISTERED
Entebbe Chief Magistrates Court	 80
Nansana Chief Magistrates Court	 25
Kiira Chief Magistrates Court	 24
Kajjasi/Kitende Chief Magistrates Court	 19
Makindye Chief Magistrates Court	 15
Nakawa Chief Magistrates Court	 12
Mpigi Chief Magistrates Court	 11
Buganda Road Chief Magistrates Court	 8
Nsangi Chief Magistrates Court	 7
Wakiso Chief Magistrates Court	 6
Kasangati Chief magistrates Court	 5
Mwanga 11 Chief Magistrates Court	 4
LDC Court	 3
Nabweru Chief magistrates Court	 3
Kakiri Chief Magistrates Court	 2
Mengo Chief Magistrates Court	 2
Goma Chief Magistrates Court	 2
KCCA Court	 1
TOTAL: 232	

Source: WPI Case database, 2023.



Our 18-month access to justice program has enabled us to delve into the narratives of incarcerated women, unravelling their unique and compelling experiences. The following stories highlight some of the key challenges, triumphs, and complexities faced by the women we have supported. The names in these stories are pseudonyms and case details have been changed to provide anonymity.

CASE O1: CONNECTING JULIAN TO HER FAMILY FACILITATED BAIL.



Julian, a 17-year-old waitress in Kajjansi town, Entebbe district, was arrested on 22nd July 2022, along with two adults on charges of stealing a laptop and money. Three days later, the trio were remanded to Kigo Women's Prison. Julian, who initially came to Entebbe seeking work, lacked the means to contact her family in Kabale District, located 398 kilometres away. WPI's intervention secured her access to a phone, which enabled her to communicate with family and friends. Despite court delays and adjournments, Julian and her co-accused were eventually granted bail on 24th November 2022. After the prosecution's case lacked evidence, the court dismissed the charges on 22nd February 2023.

CASE O2: TRACING JANE'S MISSING CASE FILE



Jane faced false accusations from a business rival, who initially claimed that she was aiding defilement and later amended to aggravated trafficking. Allegedly, police manipulation and bribery led her case to the International Crimes Division (ICD). By the time WPI intervened, Jane's case file had been missing for three years. Our legal team traced the file to the High Court yet her case was at the ICD. Even though this case had stalled for years, we pursued it and managed to secure dates for a hearing. The persistence of our legal officers in navigating bureaucratic hurdles and advocating for Jane ensured attention to her matter. The hearings that followed revealed that the prosecutor did not have evidence. She was subsequently acquitted and released on 15th September 2023. Jane was grateful for the opportunity to present her side with legal representation, a privilege she couldn't afford without our assistance and persistence.

CASE 03: SENSITIZING MARTHA ON HER RIGHT TO BAIL



On 10th April 2023, Martha Apio's night at a local bar turned tragic when a stranger confronted and accused her of stealing a phone. He roughed her up and assaulted her. To her rescue, bystanders intervened and took her to the police station where she was charged with theft. Two weeks later, she was remanded to Kigo Women's Prison. Our legal team met her one week after her incarceration. After gathering her case facts, we educated her on the possibility of obtaining bail. She gave us her son's contact whom we contacted to mobilize sureties. On 2nd June 2023, with our support, Martha's sureties presented the required documents, and she was successfully granted bail and released the same day.

CASE 04: EMPOWERING LAYLAH TO PURSUE SELF-REPRESENTATION



Laylah was arrested on her first day of work at a restaurant where she had been hired to work as a cook in Kayunga, Wakiso district. On that fateful morning, a police dog led detectives who were investigating a murder to the restaurant where Laylah had just reported for work. She pleaded for leniency but the police officers arrested her anyway, along with her 2-year-old. She was later remanded to Kigo Women's Prison. Each time she was produced in court, the state feigned ignorance of her case or lack of a police file to back up her murder charges. When WPI lawyers learned of her case, we educated her on her right to bail and to demand dismissal for lack of prosecution. We encouraged her to inform the court of what exactly happened and request to be set free since the complainants did not know who she was. With her plea, she was released alongside her baby.



LESSONS LEARNED

01 TRAINING WOMEN ON SELF-REPRESENTATION BRIDGES THE LEGAL REPRESENTATION GAP

We have learned that sensitizing women on the possibility of self-representation is an incredibly valuable and effective strategy.

Legal aid providers handle a large volume of cases and yet they are constrained by insufficient staff and financial resources. These constraints make it impractical for legal aid lawyers to physically attend all court hearings and hinder their ability to represent all eligible individuals, especially when cases are dispersed in courts across the country. In response to the overwhelming number of cases we received for this project, we adapted our approach by incorporating self-representation trainings to empower women with the skills to navigate legal proceedings through self-representation. Laylah's case (highlighted above) is one of the cases we have successfully concluded through this approach.

+ *Of the 341 cases we concluded, 49 were successfully handled through self-representation.*

Training women on self-representation not only empowers them to navigate the complex justice system but also helps to bridge the justice gap and decongest prisons. Moreover, these trainings leave a lasting impact on the lives of women because they make them better equipped to assert their rights before the court.

02 CONSISTENCY FOSTERS TRUST

We have learnt that consistency plays a crucial role in the delivery of legal aid services.

The belief that legal aid providers merely collect cases to 'tick boxes' or to fulfil donor reporting requirements diminishes confidence in pro bono services. Simultaneously, research reveals that female lawyers are presumed to be less competent and committed than their male counterparts. Thus, while statistics indicate that women constitute 49% of Uganda's legal service providers, these stereotypes and prejudice affect public trust in legal aid and female lawyers in particular. One of our clients expressed gratitude and disbelief when she was granted bail:

+ *"Given the number of years my fellow inmates spent in prison before being taken to court, I am very happy and shocked that your organization [the Women's Probono Initiative] was able to secure me bail" (Translated from Madi)*

Being consistent fosters trust and reassures clients that legal aid providers are reliable and genuinely dedicated to advancing justice.

03 DUE DILIGENCE PROMOTES ACCURACY

We have learnt that thoroughly examining and understanding what is on file and corroborating this with the client's narrative is critical.

Case 'facts' provided by clients should not be taken at face value. Unsuspecting legal aid providers can inadvertently acquire misleading information from clients and compromise the accuracy of legal proceedings, cause case delays, and impede the delivery of justice to those who need it. Therefore, before initiating work on any given case, there is a need to scrutinize the presented facts.

Meticulously scrutinizing case facts ensures a comprehensive understanding of the case's nuances and complexities.

04 ESTABLISHING CONNECTIONS WITH FAMILY MEMBERS MAXIMIZES IMPACT

Experience on this project has taught us the benefits of collaborating with family members and friends of incarcerated women.

Inadequate staff and financial resources, coupled with the high demand for legal aid services, make it impractical for legal aid providers to attend all court hearings. In this context, obtaining case updates is challenging, especially because clients have limited access to mobile phones. Moreover, without access to phones, women are unable to locate sureties during bail applications. Thus, we have learnt that establishing connections with family members and friends is very handy in furnishing legal aid providers with timely updates about court proceedings and mobilizing sureties.

+ *Martha's case (above) reveals the critical role of establishing connections with a family member, in this case, her son who mobilized sureties.*

Collaborating with family members and friends plays a pivotal role in ensuring impactful legal support.

05 RESPONSIVE STRATEGIES ENHANCE FAIRNESS FOR JUVENILES

We have learnt that strategies that are responsive to the needs and experiences of juveniles are critical.

Juveniles are susceptible to coercion and prejudice and lack information about legal matters. These factors exacerbate the challenges juveniles face within Uganda's legal system and contribute to poor judicial outcomes. Notably, juveniles often get lost in the adult justice system. Thus, understanding the vulnerabilities of juveniles within the legal system is crucial in creating strategies that are responsive to their needs.

Prioritizing initiatives that counter coercion, address bias, and offer easily accessible legal education for juveniles is imperative. Recognizing and actively addressing these issues is crucial to ensuring a fair and supportive legal environment for juveniles.

06 BUILDING PARTNERSHIPS FACILITATES LEGAL AID SERVICES

Experience on this project has taught us that collaborative partnerships with other actors in the criminal justice system such as Judicial Officers, State Attorneys, Police Officers and Prison Officers facilitate legal aid services.

The success of our work in advocating for justice for women in detention is intricately tied to our efforts geared towards establishing and nurturing collaborative partnerships within Uganda's criminal justice system. The active engagement of prison officers highlights the pivotal role such alliances play in facilitating communication, enhancing administrative processes, and fostering timely awareness. As Elizabeth, our Program Officer, has put it,



"Establishing collaboration and networking with Judicial Law and Order Sector partners helps to facilitate our work by forwarding the letters we write to the courts, providing case numbers for files, and informing us of upcoming plea bargain sessions."


Establishing partnerships enhances the preparedness of legal aid providers and underscores the importance of timely and relevant information in the pursuit of justice.

07 SENSITIZING OTHER CRIMINAL JUSTICE ACTORS FOSTERS A SUPPORTIVE LEGAL ECOSYSTEM

With this project, we have learnt the value of sensitizing other actors within the criminal justice system such as State Attorneys and Police Officers - particularly on the challenges that frustrate women's access to justice.

Some judicial officers do not sufficiently rely on social services reports to identify mitigating circumstances for women offenders. As a result, they are often not aware of women's relevant history and background (e.g., history of abuse or violence) and do not apply alternatives to imprisonment even when appropriate. We also discovered that although officials in Uganda Police and Prisons acknowledge the efforts of legal aid providers, certain practices, such as compelling inmates to kneel and, notably in the case of women, cutting their hair, are not only dehumanising but also undermine the will of the inmates to seek justice.

A senior officer in Uganda Prisons praised our efforts, stating,

 *"It's good work that you guys are doing in the prisons. We need more lawyers and people joining hands and helping out some of these poor women, you see, this also makes our work easier because when prisons are decongested, even us were happy"*

Sensitizing other actors within the criminal justice system is crucial in fostering an informed and supportive legal ecosystem for women. Holding regular bar-bench engagements establishes valuable collaborative discussions to effectively address the challenges that frustrate women's access to justice.

REDESIGNING STRATEGIES TO PRIORITISE PRE-TRIAL INTERVENTIONS ELIMINATES UNNECESSARY REMANDS

We have learnt that starting from police stations is an essential strategy in preventing unnecessary remands, such as those resulting from a lack of sureties or avoidable state bail objections.

Consistent with research indicating that many of the incarcerated women and girls are facing petty crime, we found that out of the 362 cases we handled between August 2022 and December 2023, 64 per cent were petty offences. Since most offenders are temporarily detained at police stations before they are taken to court and remanded. This project enabled us to reflect on the impact of redesigning our interventions to start from police stations or courts and then proceed to prisons for those who are already remanded. This proactive approach eliminates unnecessary remands of women who are in police custody, decongests prisons and simultaneously ensures the rights and access to justice for women offenders.

Starting at police stations or being stationed in different courts is an effective strategy for

CONSIDERING RURAL/UPCOUNTRY PRISONS BRIDGES THE URBAN-RURAL DIVIDE IN ACCESS TO JUSTICE

This project has taught us how impactful our interventions can be if reoriented to include and prioritize upcountry prisons.

Legal aid services often concentrate on central prisons, which are located in urban and peri-urban areas. This geographical bias creates a gap in access to legal aid for rural or upcountry offenders. Notably, most rural/upcountry offenders rarely get access to or have opportunities for free legal services. Addressing this imbalance is crucial to ensuring that legal services are more evenly distributed, reaching individuals in rural settings and upcountry locations who may face challenges in obtaining free legal assistance.

Taking into account the needs of rural prisons, although it requires additional funding, is crucial to ensuring fair access to legal aid and, ultimately, justice for all women offenders in both rural/upcountry and urban/central prisons.

10

ADDRESSING STRUCTURAL BARRIERS FACILITATES WOMEN'S ACCESS TO JUSTICE

Key to what we have learned is that the socioeconomic backgrounds of women place them at risk of being excluded from justice services.

Uganda's justice system is oppressive to the poor and economically vulnerable individuals, particularly those unable to afford services such as bail. Notably, many courts impose exorbitant cash bail amounts, creating challenges for incarcerated women and their families. Moreover, women's eligibility for legal aid is often assessed based on family income, neglecting the fact that women may lack access to and control over such resources. In addition, female domestic workers who are imprisoned by their employers struggle to find sureties during bail applications. As a result, these women end up enduring prolonged detention. The mother of a former client expressed her gratitude:



*"Thank you for returning my daughter, [this] is a re-birth for me."
(Translated from Luganda)*

Recognising and addressing structural barriers not only facilitates women's access to justice but also ensures fair and equal access to the legal system.

11

WOMEN TRUST WOMEN

Finally, our experience on this project consistently reveals that women generally trust fellow women.

Despite misconceptions about the quality of legal services provided by women, our experience demonstrates that women offenders generally find it convenient to trust their fellow women when it comes to legal aid. While any lawyer, irrespective of gender, can comprehend and argue case facts, many female offenders feel at ease disclosing their circumstances to fellow women. This preference is rooted in the trust that female lawyers may better understand their situations and can implement suitable legal interventions. A former client confided in our legal officer, revealing that despite being convicted of theft, she worked as a sex worker. She stated,



*"Counsel, the truth is I am a sex worker. My client refused to pay for my services so I confiscated his shoes."
(Translated from Luganda)*

Acknowledging and respecting women's preferences is crucial for providing effective and trusted legal assistance to incarcerated women.



CONCLUSION

Critical lessons have emerged from our 18-month collaboration to enhance access to justice for incarcerated women in Uganda. We focused on dismantling structural barriers and recognising historical-political gender biases within Uganda's criminal justice system.

Importantly, the effectiveness of self-representation and the trust women place in fellow women emerged as critical lessons, underscoring the importance of sensitisation, consistency and trust in legal aid services provision.

Building a legal ecosystem that is supportive, informed and equitable requires constant reflection, learning, and responsiveness. Thus, these lessons emphasise the need for a holistic and inclusive approach to advancing access to justice, promoting fairness, equality, and transformative change.










THE WOMEN'S PROBONO INITIATIVE (WPI)

Plot 7 Suuna Road, Village 14, Ntinda
P.O. BOX 8052 Kampala, Uganda

+256 (0) 800-220645
info@womenprobono.org

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 @womenprobono
 wpi.uganda

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