

CENTRE FOR FOOD AND ADEQUATE LIVING RIGHTS

“TRAINING NEEDS ASSESSMENT FOR JUSTICE ACTORS (JUDICIAL OFFICERS, THE COURT OFFICERS, THE APPOINTED COURT MEDIATORS, AND OTHER LOCAL DUTY BEARERS) TO IDENTIFY KNOWLEDGE GAPS ON USE OF HUMAN RIGHTS (ENFORCEMENT) ACT 2019 TO FRAME AND REDRESS ADEQUATE LIVING ISSUES FROM A HUMAN RIGHTS PERSPECTIVE”

FINAL REPORT

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LIST OF ACRONYMS

ACHPR	- African Charter on Human and Peoples Rights
ACRWC	- African Charter on the Rights and Welfare of the Child
ADR	- Alternative Dispute Resolution
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
CEFROHT	- Center for Food and Adequate Living Rights
CRC	- Convention on the Rights of the Child
CRPD	- Convention on the Rights of Persons with Disabilities
ESCR	- Economic, Social and Cultural Rights
HREA	- Human Rights (Enforcement) Act 2019
ICCPR	- International Covenant on Civil and Political Rights
ICESCR	- International Convention on Economic, social and Cultural Rights
JLOs	- Justice, Law and Order Sector
JTI	- Judicial Training Institute
NODPSP	- National Objectives and Directive Principles of State Policy
PWDs	- Persons with Disabilities
SIP	- Strategic Investment Plan
UDHR	- Universal Declaration of Human Rights

1 INTRODUCTION AND BACKGROUND

This is a Report of a training needs assessment commissioned by the Centre for Food and Adequate Living Rights (CEFROHT). The assessment targeted court officers, the appointed court mediators, and other local duty bearers) to identify knowledge gaps on use of Human Rights (Enforcement) Act 2019 (HREA). The ultimate objective is to enable these actors frame and redress adequate living issues from a human rights perspective.

Uganda has ratified almost all the international human rights instruments. These instruments are critical in promoting legal empowerment, social accountability and human rights. These are critical pathways for sustainable access to justice for the poor, vulnerable and marginalized individuals and communities. Most important of these concepts is human rights. These are universal entitlements based on fundamental freedoms that are inherent and inalienable. People are entitled to all these rights to satisfy their basic needs, such as food, housing, and property rights. This is in addition to enjoying their human dignity and civic freedoms. The realization of these rights confers power in human life manifested in land, property, money, food, economic activities and survival which all together are protected as a right to adequate living. The rights are protected in the major human rights treaties including the International Covenant on Civil and Political Rights (ICCPR); the International Convention on Economic, social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); the Convention on the Rights of Persons with Disabilities (CRPD); and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); among others. At African regional level, the instruments include the African Charter on Human and Peoples Rights (ACHPR), the African Charter on the Rights and Welfare of the Child (ACRWC), the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Protocol on the Rights of Women); and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Persons with Disabilities in Africa.

Uganda has taken steps to domesticate the international and regional instruments described above. The 1995 Constitution in Chapter Four codifies a comprehensive Bill of Rights. The Bill of Rights proclaims that the fundamental rights and freedoms are inherent and not granted by the state and that they shall be respected, upheld and promoted by all organs and agencies of Government and by all persons.¹ The Constitution of the Republic of Uganda 1995, under Article 50 provides for the enforcement of rights and freedoms by courts of law. Clause (1) specifically states that:

Any person who claims that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation.

The above provision has been given legal effect through the promulgation of the Human Rights (Enforcement) Act, of 2019. This Act provides for the procedure of enforcing human rights and is now the law which all persons seeking redress and those enforcing the rights in Chapter Four of the Constitution are supposed to use. In addition to the already existing avenues to address human rights violations, the Human Rights Enforcement Act, 2019 is a more progressive addition and the implementation of the act is vital in order for the rule of law to be upheld but unequivocal commitment from the government and specifically security agencies is required. The law defines the jurisdiction of the courts, including the High Court and Magistrates courts.² One of the revolutionary provisions of this Act is that which imposes personal liability for the violation of the rights. Section 10 of the Act provides that a public officer who, individually, or in association with others, violates or participates in the violation of a person's right or freedom, shall be held personally liable for the violation notwithstanding the state being vicariously liable for the action.³ If the court orders compensation or any other form of restitution to a victim of state human rights violations, any public officer found to have personally violated those rights 'shall pay a portion of the compensation or restitution' as ordered by the court and could also be dismissed. Section 11(2) comes as a redress to violations of freedom from torture. It provides

¹ 1995 Constitution, Article 20.

² See sections 4 and 5.

³ Section 10 of the Act.

that whenever, in any criminal proceeding it appears to a judicial officer that any of the accused person's non derogable rights and freedoms have been infringed upon, the judge or magistrate presiding over the trial shall declare the trial a nullity and acquit the accused person.

Also, revolutionary is section 14 which provides that “immunity shall not be a defence to proceedings commenced under” the Act.

In addition to the above, the Act makes provision for the enforcement those rights which require progressive realisation. Section 13(1) of the Act provides as follows:

A person who has reason to believe that the state is not taking adequate steps for the progressive realization of rights and freedoms guaranteed under Chapter Four of the Constitution or international treaties to which the state is a party, may apply to the High Court for redress.

The above provision is revolutionary to the extent that it makes provision for the enforcement of economic, social and cultural rights. It is these that, going by international human rights law, require progressive realisation, moreover with the resources available to the state.⁴ This provision is important for the enforcement of those rights to the extent that they promote adequate living. This includes rights that touch on such things as food, water, and housing.

Despite the above cited constitutional and legislative provisions, majority of Ugandans, especially in rural communities, cannot access adequate living justice, due to two major reasons. Firstly, both the justice seekers and actors have limited knowledge of economic, and social rights. This represents one of the biggest challenges to increasing access to justice and how to sustainably pursue them. The second major reason is that justice actors at local level have not been using human rights procedures. This is because the Human Rights Enforcement Act that empowers enforcement of the rights in magistrates' courts was only enacted 2019. Moreover, and most important, this law is yet to be internalised by both litigants and judicial officers. Many are not informed on human rights and the procedures. Indeed, the justice actors at the

⁴ See Article 2 of the International Covenant on Economic, Social and Cultural Rights, 1966.

magistrates' level have not been using human rights procedures to determine cases that come before them for there has been no law for such procedure. This is because previously, the enforcement of the rights under Article 50 was shrouded with vagueness. There was for instance no adequate guidance on the jurisdiction of magistrates' courts. These were almost left out and focus made on the High Court and Constitutional Court.

Therefore, one of the project's objective is to engage justice actors on using the Human Rights (Enforcement) Act 2019 in solving adequate living rights' violations. The project focuses on increasing justice actors' uptake of the Human Rights (Enforcement) Act 2019 to handle cases of land, business, livelihood and social rights in rural settings. Among others, the Project has as one of its activities a training needs assessment to establish the knowledge gaps as far as utilisation of the Human Rights (Enforcement) Act is concerned. The assessment is intended to enable the crafting of a training module for judicial officers on the use of the Act. It is believed that increased utilisation of the Act will enhance access to justice, especially in the context of the enforcement of rights which promote adequate living.

1.1 OBJECTIVES OF THE ASSESSMENT

The main objective of the assessment was to identify whether the formal justice mechanism at magistrates' level and the justice actors (judicial officers, the court officers, and the appointed court mediators) use the Human Rights (Enforcement) Act 2019 to guide justice seekers and determine adequate living rights' violations or threats. Targeted locations were Buyende, Kiboga, and Kyankwanzi districts. Specifically the assessment had the following objectives:

- a) To determine whether the formal justice mechanism at magistrates' level and the justice actors (judicial officers, the court officers, and the appointed court mediators) use the Human Rights (Enforcement) Act 2019 to guide justice seekers and determine adequate living rights' violations or threats in Buyende, Kiboga, and Kyankwanzi Districts and what needs exist; and

- b) To provide technical input during the development of magistrate’s manual based on findings from the training needs assessment.

Among others the assessment was required to gather data on justice actors’ perceptions of formal and informal justice sector institutions and their use of the Human Rights and Enforcement Act 2019. One of the envisaged outcomes of the assessment is to provide technical input during the development of magistrate’s manual based on findings from the training needs assessment.

1.2 METHODOLOGY

The assessment was carried out in a participatory and consultative manner to ensure wider participation of all key stakeholders in the justice sector. Face to face interviews were conducted to obtain information with respect to knowledge gaps as far as human rights are concerned in general and the Human Rights Enforcement Act in particular. To effectively do this, an interview tool was developed, designed to suite the assessment needs. The Interview Tool is annexed to this Report as “A”. This Tool was however only used as a Guide to facilitate the conversation. It was not cast in stone. The key informant interviews were qualitative in nature and provided one-on-one assessments that allowed the team to gain insights about the knowledge needs of the justice actors, identifying the gaps and observation of their work environment. This was in addition to establishing misconceptions and misinformation. A total of 19 actors in the justice sector in the target districts were interviewed. Full list of respondents is annexed as “B”.

In addition to the interviews, the assessment involved a desk review and analysis of available information on the different aspects of the response. Key documents for review will include but not limited to:

- JLOS performance reports⁵
- CSOs/ NGOs and other stakeholders project and programme reports⁶

⁵ This included the *Justice, Law and Order Strategic Investment Plan III* (SIP III 2012-2017); and the Fourth Strategic Development Plan (SDP IV), (SDP IV, 2017 – 2020),

- Training Needs Assessment Reports

The assessment was conducted with strict adherence to the COVID-19 prevention SOPs as outlined by Ministry of health/WHO. The team secured a large enough vehicle to transport the researchers in the field in accordance with government specifications on safe distancing while traveling. The vehicle was equipped with sanitizers and adequate soap and water for frequent handwashing as well as masks for each team member. During data collection, the team ensured that each respondent and interviewer as well as guide/translator had their masks on and were seated in a well-ventilated space with at least one meter distance between each of them.

1.3 ETHICAL CONSIDERATIONS

The study called for ethical consideration. Permission was sought from the Chief Registrar of the Courts of Judicator and guidance was sought from the Judicial Training Institute (JTI). The Assessment also benefitted from the MOUs that CEFROHT has signed with the districts the target of the assessment. Informed consent or assent was sought from all respondents after explaining the goals and objectives of the data collection, confidentiality safeguards, and the potential risks and benefits of the process. Furthermore, the team undertook to protect the confidentiality of all information provided and to utilize the same only for the purposes of the Assessment. Lastly, all data is treated confidential and is the property of CEFROHT. No data or information will be released to third parties without the written approval of CEFROHT.

⁶ This included United Nations Development Programme, *Access to justice concept* New York: United Nations Development Programme Justice System Program, 2011, 31; United Nations Development Programme, *Programming for Justice: Access for All: A Practitioner’s Guide to a Human Rights-Based Approach to Access to Justice*, Bangkok, UNDP, 2005; Global alliance against trafficking in women (GAATW), *Access to justice program*, retrieved from <<http://www.gaatw.org/atj/>>; Donald Rukare *Civil Society Assessment of the JLOS Annual Performance 2015/201* 621st JOINT GOU- DEVELOPMENT PARTNERS JLOS ANNUAL REVIEW OCTOBER 27 2016; and the Uganda Bureau of Standards, 2019/20 National Household Survey Report.

2 ACCESS TO JUSTICE AND ADEQUATE LIVING RIGHTS

2.1 ACCESS TO JUSTICE

This Report adopts the definition of Access to Justice as the right of individuals and groups to obtain a quick, effective and fair response to protect their rights, prevent or solve disputes and control the abuse of power, through a transparent and effective process in which mechanisms are available, affordable and accountable,⁷ through formal or informal institutions of justice, in compliance with human rights standards.⁸ Access to justice has two dimensions: procedural access (having a fair hearing before a tribunal) and substantive justice (receiving a fair and just remedy for a violation of one's rights).⁹ The following are some of the essential elements for the realization of access to justice:¹⁰ (i) a framework of legal protection setting out acceptable substantive and procedural standards; (ii) legal awareness on the part of providers and users of justice services; (iii) the availability of legal services needed to link needs to enforceable remedies, including legal aid and counsel; (iv) adjudication of disputes that is fair and effective; (v) enforcement of remedies; and (vi) transparency and oversight of the operation of the system.¹¹

⁷ United Nations Development Programme, *Access to justice concept* New York: United Nations Development Programme Justice System Program, 2011, 31.

⁸ United Nations Development Programme, *Programming for Justice: Access for All: A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*, Bangkok, UNDP, 2005

⁹ Global alliance against trafficking in women (GAATW), *Access to justice program*, retrieved from <<http://www.gaatw.org/atj/>>.

¹⁰ L. Schetzer, J. Mullins and R. Buonamano "Access to Justice and Legal Needs – A Project to identify legal needs, pathways and barriers for disadvantaged people in NSW: Background paper" Law and Justice Foundation of New South Wales, 2002.

¹¹ Danish Institute for Human Rights (DIHR) *Access to Justice and Legal aid in East Africa: A comparison of the legal aid schemes used in the region and the level of cooperation and coordination between the various actors* Denmark: DIHR (2011) 16.

The state of access to justice in Uganda has among others been gauged by the Justice, Law and Order (JLOS) reviews and reports. Planning in the Sector has been done through sector implementation and development plans, which have set targets to achieve on a periodic basis. The most recent plans include Strategic Investment Plan III (SIP III 2012-2017).¹² This Plan set its target as *promoting rule of law* and human rights and *enabling national development*. It was also aimed at ensuring that more people, with specific focus on the poor and vulnerable groups, have *better access to justice*. This is in addition to ensuring that these people live in a safer and secure environment and that JLOS institutions are more responsive to human rights. The Plan was guided by the theme of *deepening reforms for a pro people justice system* and the vision *to ensure that people in Uganda live in a safe and just society*.

Under this Plan, it was expected that 70% of population would be satisfied with JLOS services by 2016/7. In addition, public confidence in the justice system would increase by 47% from then 34% to 50% in 2016/7). This was among others informed by the fact that confidence in the Sector, which was ranked as the most corrupt, was extremely low. The Plan undertook to implement a number of activities. These included: (i) simplification of laws, making updated laws available, policies and standards to internal and external users; (ii) developing policy predicating commencement of new legislation with appropriation of resources; and conducting pre-legislation and post –regulatory impact analysis on priority laws.

Some positive outcomes were reported under SIP III. It was reported that sector services were functionally present in 82% of the districts compared to 75% functional presence in 2014/15. The average length of stay on remand reduced from 10.5 Months to 10.4 Months for capital offenders and case backlog reduced from 32% in 2014/15 to 25% in 2015/16. The number of children arrested reduced due to use of diversion.¹³

In 2017, SIP III was replaced with the Fourth Strategic Development Plan (SDP IV), under the Theme: *Empowering the people. Building trust. Upholding rights*. The Mission was stated as *To*

¹²Supra, note 44.

¹³Ibid.

improve the safety of the person, security of property, and access to justice for inclusive growth. The SDP IV set out to achieve the following: enhancing JLOS infrastructure and access to JLOS services; promoting the observance of human rights and fighting corruption; and strengthening commercial justice and the environment for competitiveness.¹⁴ The SDP set some targets in concrete terms: ensuring that at least 75% of the population of the people in Uganda are satisfied with JLOS services and that public confidence in the justice system is increased from 48% in 2016 to 58% by 2020.

Despite the above plans and commitments, JLOS is still dodged with a number of challenges which undermine access to justice. On the part of the Judiciary, the institutions faced a number of challenges. For instance, access to the institutions by some vulnerable sections society remains a huge challenge. By way of example, it is reported that the infrastructure at most courts does address the needs of persons with disabilities (PWDs). The courts are inaccessible to PWDs; and there are no sign language interpreters and detention facilities that are conducive to PWDs.¹⁵ In addition, most justice services are urban based, with the majority of institutions, including courts, located in urban areas, thereby depriving rural populations of the opportunity to utilize these. This has affected rural sections of the population that are in urgent need of justice services, with serious gender ramifications. Also, the Judiciary has done little to increase the knowledge of justice services to the users.¹⁶ Indeed, although the Judiciary organized public open days, recommendations from these remained unimplemented. Moreover, there has not been a monitoring framework to illustrate the impact of the open days.

In addition to the above, corruption remains a big challenge and one which is widespread across sectors. There have been several interventions to fight corruption ranging from legislation to institutional mechanisms to legislative one. In spite of these, corruption remains prevalent as noted in the various JLOS annual performance reviews.¹⁷ It remains a problem at all levels of the

¹⁴ SDP IV, at p 10.

¹⁵ Ibid.

¹⁶ Donald Rukare *Civil Society Assessment of the JLOS Annual Performance 2015/2016* 621st JOINT GOVERNMENT DEVELOPMENT PARTNERS JLOS ANNUAL REVIEW OCTOBER 27 2016.

¹⁷ Ibid.

justice chain – at investigations, when applying for "free" police bond or court bail, at sanctioning of files, and with files disappearing or not being cause listed without inducements. A 2016 study on Justice Needs in Uganda found that many people, especially the poor, firmly believe that Ugandan Courts are biased against the poor and marginalised.¹⁸ These categories do not have the resources to bribe officials to have their needs addressed.

2.2 ADEQUATE LIVING RIGHTS

Adequate living rights fall in the realm of economic, social and cultural rights as protected by international and regional human rights law. The UDHR in Article 25(1) provides that everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Similarly, Article 11 of the ICESCR provides requires States Parties to the Covenant to recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. That the States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

It has been argued that “adequate living” requires more than the necessities mentioned in the instruments, including food, clothing and housing. According to Asbjorn Eide:

[E]veryone should be able, without shame and without unreasonable obstacles, to be a full participant in ordinary, everyday interaction with others. In other words, everyone should be able to enjoy their basic needs under conditions of dignity. No one should have to live under conditions whereby the only way to satisfy their needs is by degrading or depriving themselves of their basic freedoms such as through begging,

¹⁸Ibid.

prostitution or bonded labor. In purely economic terms, adequate standard of living implies a living above the poverty line of the society concerned, ...¹⁹

In the context of Uganda's legal framework, the right to adequate living should be understood in relation to the rights in the Bill of Rights read together with the National Objectives and Directive Principles of State Policy (NODPSP). The Bill of Rights guarantee the following: Respect for human dignity and protection from inhuman treatment;²⁰ Protection from deprivation of property;²¹ right to education;²² rights of the family;²³ rights of women;²⁴ rights of children;²⁵ rights of persons with disabilities;²⁶ rights of minorities;²⁷ right to a clean and healthy environment;²⁸ and economic rights.²⁹ These rights are supplemented by various elements of economic, social and cultural rights in the NODPSP. Most important of these is Objective XIV which provides as follows:

XIV. General social and Economic objectives

The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that—

- (a) all developmental efforts are directed at ensuring the maximum social and cultural well-being of the people; and
- (b) all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.

Article 8A of the Constitution provides that Uganda shall be governed based on principles of national interest and common good enshrined in the national objectives and directive principles

¹⁹ Asbjorn Eide "Adequate standard of living" in Daniel Moeckli, Sangeeta Shah & Sandesh Sivakumaran (eds) *International Human Rights Law* (2010) Oxford University Press, 196, at 196 – 7.

²⁰ Article 24.

²¹ Article 26.

²² Article 30.

²³ Article 31.

²⁴ Article 33.

²⁵ Article 34.

²⁶ Article 35.

²⁷ Article 36.

²⁸ Article 39.

²⁹ Article 40.

of state policy. That parliament shall make relevant laws for purposes of giving full effect to clause (1) of the Article.

Despite the above provisions, economic and social household indicators show that the population is not doing in a number of respects. For instance, although there had been a study reduction in the proportion of people living in poverty, the country is witnessing a reversal. This population has increased from 8 million in 2017 to 8.3 million in 2020. The most affected regions are the Northern and Karamoja regions, at 68% and 65% respectively.³⁰ The overall country proportion is 21.4%, up from 20.3% in 2017. Net School enrollment for secondary school education is at 27%. Child labour is at 28%, while health insurance coverage is a paltry 4%, a reduction from 5% in 2017. Only 3 in 10 Ugandans have an improved toilet. The employment rate is also on the decline, from 79% in 2017 to 74% in 2020. The downward trend is among others attributed to the 2020 COVID-19 lockdown and its impact on the economy. This means that the 2020 lockdown will only make it worse. As a matter of fact, part of the haphazard food distribution done during the 2020 lockdown, Government has not implemented any visible measures to absorb the shocks resulting from the lockdowns among the population.

³⁰ Uganda Bureau of Standards, 2019/20 National Household Survey Report.

3 FINDINGS OF THE ASSESSMENT

3.1 PROFILE AND CALIBRE OF RESPONDENTS

The assessment targeted judicial officers, court clerks and court appointed mediators. The magistrates oversee adjudicating disputes between parties coming to court. The officers are supported by the court clerks. The clerks also support the court users. In total, 10 magistrates were interviewed, including chief magistrates and magistrates grade I. All these were holders of a Bachelor of Laws degree. A total of 6 court clerks were interviewed. This in addition to one court administrator. Although the majority of these were diploma holders, like the magistrates, they were found to be proficient in English. One court mediator with a master's degree was also interviewed and found to be proficient. Court mediators support the mandatory process of subjecting cases to alternative dispute resolution (ADR) before going for a full trial. The only prison warder interviewed although proficient in English had poor knowledge and lacked basic knowledge on several issues, including on human rights and on the HREA.

The levels of education of the respondents and their proficiency in English leads to the conclusion that they all be in position to follow a training conducted in English, as well as read and comprehend relevant readings. The representative sample of the respondents suggests that all the people in this category would equally follow the training in English.

3.2 PREVIOUS TRAININGS AND KNOWLEDGE OF HUMAN RIGHTS

The trainings the magistrates had received were varied. Some of them had received training on judgment writing (3) and had gone through induction as magistrates (all magistrates). Other trainings some had received related to handling land cases, handling election petitions, mediation, children's rights (1 magistrate) and gender issues (2 Magistrate). However, only a few had received training specific to human rights (3 magistrates). Their knowledge of ESCRs was between fair and poor. In addition, although majority of the magistrates indicated that they are guided by Chapter Four of the Constitution, the Bill of Rights, in adjudicating the cases, they

had not received training on the enforcement of rights. Only one magistrate had received this training. One magistrate with two master's degree was however found to have advanced knowledge on human rights, having studied the same as part of his degrees, in addition to attending various trainings in the area. For the court clerks, apart from what appeared to be the mandatory indications, they had not received any substantive training.

The level of knowledge of human rights was therefore generally low. It was worse with respect to ESCRs and worse for the court clerks. For this reason, it is necessary for the training to infuse the basic of human rights in the training. Without these, it may be hard for the trainees to appreciate relevance of the HREA and to build skills for its use. Enough attention should be given to ESCRs. This is because of their relevance to adequate living. This is in addition to the subject of enforcement of human rights.

3.3 KNOWLEDGE AND USE OF THE HREA

Out of the 19 justice actors interviewed, 18 had no knowledge of the HREA. On Knowledge of human rights, all the 9 Magistrates showed that they understand the Bill of Rights and the international instruments. Their level of their knowledge could be seen from their educational background, especially those who had done their masters on human rights and international law. The question whether the formal justice mechanism at magistrates' level and the justice actors use the Human Rights (Enforcement) Act 2019, was also interrogated. All the magistrates stated that they had applied human rights but not under the HREA. All the 9 Magistrates stated that they had applied human rights to criminal cases before them, especially Article 28 on the right to a fair hearing. The question of the use of economic social and cultural rights was not direct as the cases before them would come under the Penal Code and not under the Bill of rights. This finding clearly shows that there is need to focus on the applicability of the HREA at the Magistrate's level since it is not used.

The level of knowledge of the magistrates on human rights is good but in regard to applicability of human rights in the course of their work, the level is poor. Out of the 9 magistrates, 4 stated that they had copies of the HREA. However, none of them knew the provisions and none of them had applied the provisions to their work. This was with the exception of one Magistrate. . This was unsurprisingly the same with respect to the clerks and the mediator. Some magistrates accused the lawyers who appear before them for not referring to the Act.

The assessment established that there was an urgent need for training of the judicial official officers and the clerks on the HREA. It is necessary for copies of the Act to be made available to the participants. It has also emerged that there is need to train lawyers as well and encourage them to use the Act. It will add little value for the judicial officers to acquire knowledge on the Act yet the lawyers appearing before them are not citing it.

3.4 DESIRED TRAININGS

One of the things the assessment set out to establish were the trainings the respondent desired. Although focus of the Study was on the HREA, it was important to establish the need for training in other areas that are collateral to the Act. For instance, without prefacing it with human rights, it would be hard for the participants to understand the intricacies of the Act. Indeed, All the respondent indicated need for training in the basic of human rights. This corresponds with the low levels of knowledge on human rights as established. Other areas of training desired include the following:

- (i) Labour rights for judicial officers;
- (ii) Use of the HREA;
- (iii) Refresher court on the new laws;

(iv) Children's rights;

(v) Gender related rights; and

(vi) The law and regulations on bail.

A well-designed course that addressed the basic of human rights and looks at specific areas, including the rights of vulnerable groups such as women, persons with disabilities and children, in addition to ESCRs, generally would address the above needs. Of course, the biggest focus of the course should be on the content of the HREA and how the same could be used.

3.5 METHOD OF TRAINING

From the assessment, 17 of the respondents preferred face-to-face training, preferable way from their places of work. Preference is for hotel venues. Although most of the respondents were familiar with such on-line training tools such as zoom, there were gaps as far as access to internet is concerned. All the respondents accessed internet services not from official sources but on their private gadgets, including their phones and laptops. Also, majority preferred that the readings materials and other resources are delivered in hard copy form.

The face-to-face interfaced as preferred by the respondents is understandable considering the constraints they face. Nonetheless, the challenges posed by COVID-19 and the constraints it has posed to physical interactions need to be considered. With the current wave of COVID-19 ravaging Uganda, it may not be feasible to have a face-to-face training. Things could however change if the wave subsides, and the environment becomes safe for physical interfaces.

It is proposed that blended learning be applied. Limited parts of the training would be physical, and done under strict application of the COVID-19 SOPs. However, for the virtual-based training to be effective, this may require facilitating the participants with necessary gadgets and

internet data to enhance their accessibility to the internet. Some basic guidance on use of the different training applications would also be necessary.

3.6 TIME AND DURATION OF TRAINING

8 f participants preferred the court vacation (usually the month of July of every year) as the preferred time of the training. This is the time of the year when the courts shut their doors to the public, hearing only urgent cases. It is a relaxed time of the year for judicial officers. One respondent however in effect indicated that to schedule the training during this time would interfere with their vacation. The preferred duration for most of the participants was 2 – 3 days. This was because especially for the court clerks they needed more time to understand Human rights, having a training that is not rushed but that is participatory and for the Magistrates this included the time of travel to the venue.

Although holding the training during the vacation would interfere with rest by the judicial officers it is also the time of the year when one would be sure to get the full attention of the judicial officers without the interferences of workloads in court. Training during the time when courts are session would come with the risk of absenteeism as well as interference with concentration. These can only be minimized if the training is organized as a residential retreat far away from workstations.

A Matrix of the findings is annexed as “C”.

4 CONCLUSION AND RECOMMENDATIONS

4.1 RELEVANCE AND CONTENT OF TRAINING

The assessment has established that there is an urgent need to train the judicial officers and other court staff on the HREA. It is however important that the training includes content which enhanced the knowledge of participants on human rights. In this regard, focus should be had on the following aspects of human rights:

- (i) Basics of human rights – definition, history, categories, and principles of human rights;
- (ii) Economic, social and cultural rights and understanding “adequate living”;
- (iii) Rights of vulnerable groups – women, children, ethnic minorities, PWDs, etc
- (iv) Role of judicial officers in the protection and promotion of rights;
- (v) Human rights in Uganda – Bill of Rights and National Objectives and Directive Principles of State Policy; and
- (vi) The enforcement of human rights – Articles 50 and 137 of the Constitution and the jurisprudence.

The above should be followed by engagements around the HREA. This part should commit adequate time to dissecting the provisions and engaging in discussions around its practical use. The following could, among others, form the content of this part:

- (i) Background to adoption of the Act;
- (ii) Purpose and objectives of the Act;
- (iii) Key provisions of the Act; and
- (iv) Application of Act and role of magistrates and other court officers.

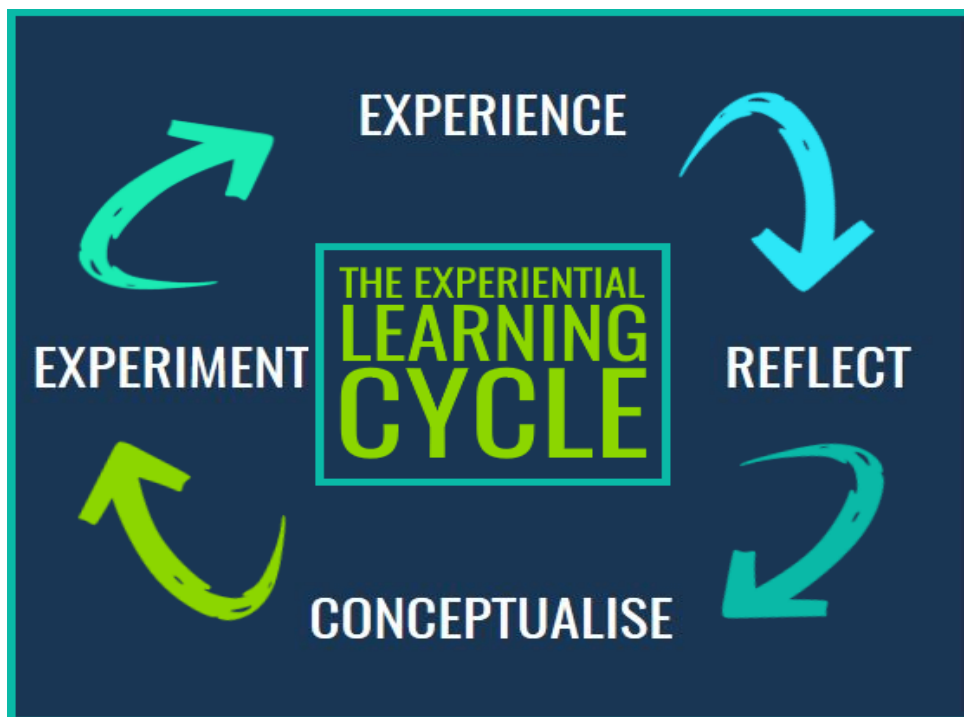
4.2 STRUCTURE OF TRAINING

It is important for the training to be structured in a manner that considers participatory methods of training. This is because it is participatory methods that are most effective when dealing with adult trainees and they are the most appropriate for purposes of skilling participants. It has been indicated that the “participatory training methodology” is a strategy which ensures that learners are active participants in the training or educational process. With this approach, the needs, questions, reflections and analyses of the learners are what is used to propel the training forward.³¹

The effective use of the participatory method among others requires the use of experiential learning techniques. According to the Centre for Teaching and Learning, “experiential learning” is an engaged learning process whereby students learn by doing and by reflecting on the experience.³² Experiential learning takes the form of cycle. At the state, learners conceptualize an idea/theory/provision, they did experiment with it practically, and here they go through the experience, followed by reflecting on the experiencing among others with a view of determining what can be learnt out of it. This illustrated by the diagram below.

³¹ See Institute of Development Studies “Participatory Methods” <<https://www.participatorymethods.or>>.

³² Centre for Teaching and Learning “Experiential Learning” <<https://www.bu.edu/ctl/guides/experiential-learning>>



Source: Growth Engineering <<https://www.growthengineering.co.uk>>

Using the above-described approach will enable the participants to reflect on their practical experiences in the application of human rights in the work they do. In doing this, the purpose and provisions of the Act will be conceptualized and understood on paper by the participants. This should be followed by applying the provisions to simulations designed to reflect the actual courtroom experience. The reflection stage will require the participants to analyse lessons from the experimentation.

As indicated above, it is proposed that the training takes the form of blended learning, with some limited elements taking the form of face-to-face, while the other taking the form of virtual trainings. There is however the need to empower the participants to enable them to effectively participate in the virtual trainings. This may require ensuring that they have access to the necessary gadgets as well as internet.

4.3 SEPARATE TRAININGS

The superior subordinate relationship between the magistrates and clerks requires that these two categories be trained separately. This would create a free environment for both categories to meaningfully take part in the training. Moreover, the training of the clerks should not be as sophisticated as that of the magistrates. The former should focus on the basics of human rights as well as introductory aspects of the HREA. The court mediators and court administrators should be trained together with the magistrates. The clerks could be trained for a short period – 1 day and the experiential methodology need not be applied.

Content of Training	
Magistrates/Mediators/Court Admins	Court Clerks
<ul style="list-style-type: none"> - Basics of human rights - ESCRs - Rights of Vulnerable - Role of judicial officers - Human Rights in Uganda - Enforcement of human rights - Background to HREA - Purpose and objectives of Act - Key provisions - Application of the Act 	<ul style="list-style-type: none"> - Basics of human rights - ESCRs - Rights of Vulnerable - Role of courts - Human Rights in Uganda - Purpose and objectives of Act
Duration of Training	
2 – 3 days	1 Day
Approach	
Largely Experiential Approach	Largely Lecture Approach

4.4 TIME AND VENUE

As indicated above, the most ideal time for the training is during the July court vacation. This would be the most appropriate time to get maximum concentration away from hustles of court work. Preference is for a hotel venue. This is what would attract the participants to commit to and probably attend the training. Of course, consideration would be had on the COVID-19 risks and the need to strictly adhere to the SOPs. Nonetheless, because of the uncertainties arising from COVID-19 as far as lockdowns are concerned, an online training should be had as a back-up. Provision should be made for the participants to access internet. This is in addition to ensuring that the back training is deigned to be delivered online.

CENTRE FOR FOOD AND ADEQUATE LIVING RIGHTS

Training Needs Assessment for Justice Actors to Identify Knowledge Gaps on use of Human Rights (Enforcement) Act 2019 To Frame and Redress Adequate Living Issues from a Human Rights Perspective

Individual Interview Guide

Background

The Centre for Food and Adequate Living Rights (CEFROHT) has retained a consultant to carry out a Training Needs Assessment for Justice Actors (Judicial Officers, court Officers, Appointed Court Mediators, and Other Local Duty Bearers). The purpose of this is to Identify Knowledge Gaps on use of the Human Rights (Enforcement) Act 2019 to frame and redress adequate living issues from a human rights perspective. The Consultant shall conduct the study in a highly participatory and consultative manner to ensure wider participation of all key stakeholders in the justice sector. It is against this that this interview guide has been crafted to guide the field team in conducting individual interviews with target respondents, judicial officers and key admin staff.

The questions in this guide are intended to extract answers which will help understand the levels of knowledge of human rights and the provisions of the Human Rights (Enforcement) Act, 2019 and its application. Also, to be established are the knowledge gaps that require attention in order to guide the team in determining the course content. This is in addition to the preferred/ideal training methodology as well as the timing of the training.

A. IDENTITY OF RESPONDEENT (Optional)

- (i) Names
- (ii) Gender
- (iii) Age bracket

B. PROFESSIONAL INFORMATION

- (i) Level of education
- (ii) Qualification
- (iii) Designation in the Judiciary
- (iv) Time spent in the Judiciary
- (v) Description of nature of work respondent does
 - a. What they do on daily basis and how?
 - b. What information they deem necessary in their work?
 - c. Are they happy with their work?
- (vi) Key challenges at work, related to knowledge and skills
- (vii) Any other challenges?

(viii) Determine level of proficiency in English

Excellent

Very Good

Good

Poor

Very poor

C. PROFESSIONAL ON-JOB TRAINING

- (i) Has respondent undergone any professional on-job training?
- (ii) If yes, what are these?
- (iii) Is any in human rights or related field?
- (iv) Establish and knowledge and skills obtained from these trainings

D. KNOWLEDGE OF HUMAN RIGHTS AND HUMAN RIGHTS ACT

- (i) What does respondent know about human rights, their nature and role in access to justice?
- (ii) Extent of familiarity with international framework should be established.
- (iii) Also, to be established is familiarity with Chapter Four of the Constitution. Is respondent familiar with the rights in the Bill of Rights and how they apply to their work?
- (iv) Does respondent know about economic, social and cultural rights – adequate food should be mentioned.

(v) Has respondent heard about Human Rights (Enforcement Act)? If so, what about it? Any trainings around it?

(vi) Has respondent applied human rights or Act in their work? If so, how?

E. TRAINING NEEDS

(i) Does Respondent consider human rights training relevant to them?

(ii) In what areas of human rights does respondent need training?

(iii) Would training on use of Human Rights Act be relevant?

(iv) Any specific skills related to use of human rights and Act required?

(v) Is there any other area related to human rights in which training is required?

(vi) Does Respondent have copy of Constitution and Human Rights Enforcement Act?

F. APPROACH AND METHODOLOGY

- (i) If Respondent has attended professional on-job training before, what do they consider to be the best way to conduct training?
- (ii) Does Respondent have access to internet, a computer and/or phone?
- (iii) Level of familiarity with on-line training apps such as zoom.
- (iv) Preference between on-line and physical training.

G. TIMING AND VENUE

- (i) Time of year most convenient for the training?
- (ii) Preferred duration of training.
- (iii) Preferred hours
- (iv) Preference between electronic and hard copy resources?
- (v) Preferred venue, if physical.

APPENDIX “B” LIST OF RESPONDENTS

	Name	Designation
1.	Nakitende Juliet	Chief Magistrate
2.	Bamuleke Edith	Court Clerk
3.	Achieng Evelyn	Prisons Officer
4.	Phionah Birungi	Magistrate Grade I
5.	Gimugu KK	Magistrate Grade I
6.	Ssajjabi Noah	Magistrate Grade I
7.	Nyadoi Esther	Magistrate Grade I
8.	Wasiwa Eric Kelly	Officer Supervisor
9.	Webale Godfrey Wapipi	Court Clerk
10.	Juliet Hatanga	Magistrate Grade I
11.	Niyongira Methodius	Court Clerk
12.	Odoy Moses Tabu	Magistrate Grade I
13.	Nabunnya Rashidah	Court Clerk
14.	Bbosa Michael	Magistrate Grade I
15.	Fr. Serruruma Ronald	Parish Priest
16.	Sumaya Kasule	Magistrate Grade I
17.	Kitonto Joel	Court Clerk

Appendix “C”

Synthesis of Responses from the Training Needs Assessment for use of HREA

Pseudo ID	Occupation	F/M	Educ	English Proficiency	Training Received	Rights Knowledge	ESCRs Knowledge	Knowledge of HREA	Training Needs	Internet Access	Timing and Venue	Preferred Mode
No. 1	Magistrate	F	LLB	Excellent	-Judgment writing -Handling land matters -Handling election petitions	Fair	Fair	Poor – no copy	Human rights broadly	Personal phone and laptop Familiar with zoom	Court vacation at JTI or Hotel	Face-to-face 2 – 3 days Hard copy resources
No. 2	Court Clerk	F	LLB	V Good	Court etiquette	Poor	Poor	Poor – no copy	Human rights broadly Child rights	On personal phone	Court vacation and off site	Face-to-face 3 days to a week Hard copy resources
No. 3	Prisons Officer	F	A level	Good	None	Very poor	Fair	Very poor – no copy	-	-	-	-
No. 4	Magistrate	F	LLB LLM	Excellent	Judgment writing Land law	Good	Good	Fair – no copy	ESCRs	On personal phone Familiar with zoom		Face-to-face 2 – 3 days Electronic resources

No. 5	Magistrate	M	LLB LLM	Excellent	Various on Human Rights and related access to justice issues	Very good	Very goods	Very knowledgeable	Labour rights for judicial officers Applying HREA Re-fresh on the new laws	Own gadgets Familiar with zoom	Court vacation Hotel environment	Half day Either hard or electronic copies.
No. 6.	Magistrate	M	LLB	Excellent	Induction training	Good	Fair	Poor – no copy	ESCRs Use of HREA	Yes Not familiar with zoom	Court vacation	Face-to-face 3 days Electronic
No. 7	Court clerk	F	Diplo ma	Excellent	None	Fair	Poor	Poor – no copy	Use of HREA	No access	-	-
No. 8	Magistrate	F	LLB	Excellent	Child friendly courts Gender issues	Fair	Fair	Poor – no copy	-	On private phone	During working sessions, not vacation Hotel environment	3 days Electronic resources
No. 9	Magistrate	M	LLB	Excellent	Mediation skills	Fair	Fair	Poor – no copy	Human rights broadly Use of HREA	No access	Any time of year Hotel Familiar with zoom	4 days Hard copy resources preferred.
No.10	Court Administrato	M	Degree	Excellent	None	Poor	Poor	Poor-no copy	Human Rights	Access	Court Vacation	Face to face

	r								broadly Use of HREA		Court premises Familiar with Zoom	1 day Both hard and soft copy
No.11	Court Clerk	M	LLB	Excellent	Induction training	Poor	Poor	Poor-no copy	In-depth HR training HREA training	Access	Court vacation Organizers can decide Familiar with Zoom	Face to Face Days depends on organizer s Hard copy
No.12	Magistrate	F	LLM	Excellent	TOT on HR based approach to litigation	Good	Good	Good-Has a copy	Applicabilit y of HR	Not stable	Beginning of year Outside the city Familiar with Zoom	Face to Face 2-3 days Electroni c
No.13	Court Clerk	M	Diplo ma in Law	Excellent	Induction Training	Poor	Poor	Poor- no copy	Labour Rights Basic HR	No access save for Personal	Court Vacation Court premises or Hotel Not Familiar with zoom	Face to Face Weeks training Electroni c
No.14	Magistrate	M	Diplo ma in Law	Excellent	Seminars, conference s and	Fair	Fair	Poor-no copy	General introduction to HR	Accessibl e	End of year Hotel	Online 1-2 days

			and Judicial Practice		workshops				HREA training		Not Familiar with Zoom	Hard copy
No.15	Court Clerk	F	Degree in Library and informatics	Excellent	Induction training as a court process server	Poor	Poor	Poor-no copy	Basic HR- women and Children's rights HREA training	Accessibl e	Mid-Year Hotel Familiar with Zoom	Face to Face Weeks training Electroni c
No.16	Magistrate	M	LLB	Excellent	HR trainings	Fair	Fair	Poor-no copy	Labour Rights HREA training	Accessibl e	Anytime JTI/Hotel Familiar with Zoom	Face to Face 1-2 days Hard or soft copy
No.17	Court Mediator	M	Master in Theol ogy	Excellent	Mediation Training	Poor	Poor	Poor –no copy	Basic HR HREA training	Accessibl e	1 st quarter of the year Parish Not familiar with zoom	Face to Face Depends on organizer Hard or soft copy
No.18	Magistrate	F	LLB	Excellent	Writing Judgments and GBV	Fair	Fair	Good-has a copy	Current laws and Bail regulations HREA training	No internet access save for personal	Court Vacation Hotel Familiar with Zoom	Face to face 1-2 days Hard copy
No.19	Court Clerk	M	Diplo	Excellent	Induction	Poor	Poor	Poor-no copy	Labour	No access	Court	Face to

			ma		training				rights HREA training		vacation Court premises/Hote l Not Familiar with zoom	face Weeks training Electroni c
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