

**AN INVESTIGATION OF LEGAL AID'S CONTRIBUTION TO QUALITY OF
LIFE OF PEOPLE LIVING WITH AND AFFECTED BY HIV:**

THE CASE OF UGANET

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ASIO ANGELA JEMIMA ETOCHU

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List of Abbreviations

ABC: Abstinence, Being faithful and Condom Use

ACORD: Agency for Cooperation, Research and Development

ADR: Alternative Dispute Resolution

AIDS: Acquired Immune –deficiency Syndrome

ART: Anti Retroviral Treatment

ARV: Anti Retro Virals

HIV: Human Immune-deficiency Virus

IDLO: International Development Law Organisation

LASPNET: Legal Aid Service Providers Network

NDP: National Development Plan

NGO: Non- Governmental Organisation

PEAP: Poverty Eradication Action Plan

PMTCT: Prevention of Mother to Child Transmission

UAC: Uganda AIDS Commission

UDHR: Universal Declaration on Human Rights

UGANET: Uganda Network on Law, Ethics and HIV/AIDS

UNAIDS: United Nations Joint Programme on HIV/AIDS

UNDP: United Nations Development Programme

VCT: Voluntary Counselling and Testing

Abstract

The research was conducted to investigate the contribution of legal aid to the improvement of the conditions and quality of life of persons living with and affected by HIV. The study involved ten (10) legal aid beneficiaries who received legal aid from UGANET between 2008 and 2011. In addition to these, five (5) Local Council leaders from villages of the targeted beneficiaries were engaged in the study. Also targeted by the study were four (4) legal officers from UGANET. The researcher was guided by four research questions that were derived from the objectives of the study. These questions were the following; What complaints of human rights violations does UGANET register from persons living with and affected by HIV?; What strategies does UGANET use to respond to the complaints received from persons living with and affected by HIV; What effects have UGANET interventions had on beneficiaries?; and What challenges does UGANET face in providing legal aid to persons living with and affected by HIV?

The research was conducted by the help of a case study design. UGANET was used as the case study for the investigation. The research findings revealed that UGANET registers various human rights violations from people living with and affected by HIV. These include; property grabbing, maintenance, child neglect and abuse, threatening violence, cases for custody, inheritance matters, land disputes, domestic violence and cases of unlawful detention. These rights are mainly violated by men but also by other categories of perpetrators such as relatives of deceased husbands, mothers, step-mothers and government structures such as Rapid Response Unit and Uganda Prisons.

To address the human rights violations reported to by people living with and affected by HIV, UGANET uses legal support and protection, research, advocacy and policy influencing, social accountability and policy monitoring programs as strategies to address complaints of human rights violations reported by people living with and affected by HIV.

The provision of legal aid has made possible the re-union of families that would otherwise have fallen apart; Legal aid has ensured the recovery of property for mostly women beneficiaries by enforcing property and inheritance rights; and finally, legal aid contributes to the improvement of the quality of life of persons living with and affected by HIV by making them aware of their rights. The gap however in the contribution of legal aid is that many of the people who need legal aid are neither aware of their rights nor of the existence of legal aid service providers. This prevents them from seeking to protect these rights.

Thus it is recommended to UGANET advocacy department to raise awareness of their existence among the indigent; it is also recommended to Uganda's Ministry of Justice to make quality legal aid accessible for all poor and vulnerable citizens in the country; and it is recommended to donors to consider funding legal aid for persons living with and affected by HIV. Through funding legal aid Donors can contribute to the improvement of the quality of life of persons living with and affected by HIV.

CHAPTER ONE

GENERAL INTRODUCTION

1.0. Introduction

This study investigated the contribution of legal aid to the improvement of the conditions and quality of life of persons living with and affected by HIV, using Uganda Network on Law, Ethics and HIV (UGANET) as the case study. In this chapter, the researcher focused on the background of the study, especially pointing out what UGANET is, the situation of HIV/AIDS in Uganda and its effect on development, why and how legal aid came to be connected to the response to HIV. This chapter also contains; the statement of the problem, objectives of the study, research questions, significance of the study and definition of key terms.

1.1. Background to the Study

In the Background to the Study is discussed the link between Quality of life and Human Rights, the situation of HIV/AIDS in Uganda, legal aid and how it responds to HIV as well as the Uganda Network on Law, Ethics and HIV/AIDS that was the case study for this research.

1.1.1. The Link between Quality of Life and Human Rights

Whereas the research topic for this study focused on legal aid's contribution to quality of life of people living with and affected by HIV, the study relied on observing realisation of human rights as indicators of well being and whether the realisation of these rights translated into a better quality of life for people living with and affected by HIV.

The concept of rights is interchangeably referred to as freedoms. The Macmillan English Dictionary (2002) defines freedom as the right to do what you want, make your own decisions and express your own opinions.

Human rights, seen as freedoms are closely linked to quality of life. There can be no improvement of quality of life where one's freedoms are suppressed. Sen (1999) argues that the realisation of freedom is the most efficient means of realizing general welfare. Thus by focusing on tracking the realisation of rights of people living with and affected by HIV, this study followed the same line of thought presented by Sen (1999) in investigating legal aid's contribution to the quality of life of people living with and affected by HIV.

Quality of life in this study was viewed as an aspect that denotes development for the individual. This view was in line with Todaro (2000) who argues that development in its essence must represent the whole gamut of change by which an entire social system tuned to the diverse basic needs and desires of individuals and social groups within that system moves away from a condition of life widely perceived as unsatisfactory towards a situation or condition of life regarded as materially and spiritually better. When juxtaposed with the realisation of human rights, it is possible to gauge whether an individual's condition of life is satisfactory or not.

The perception of quality of life was further based on what Todaro (2000) presents as the three core values of development, namely; sustenance, self-esteem and freedom. These core values, he argues, represent common goals sought by all individuals and societies. They relate to fundamental human needs that find their expression in almost all societies and cultures at all times.

On a closer examination, one can deduce that these core values are in fact human rights. Take for instance the core value of sustenance. This relates to the rights to food, shelter, health and security. Todaro (2000) explains that when any of these rights are not met, a condition of absolute underdevelopment exists. It can therefore be seen from this explanation that tracking the realisation of rights of people living with and affected by HIV can enable a researcher to reach conclusions on aspects of their quality of life.

1.1.2. The Situation of HIV/AIDS in Uganda

In Uganda, the first case of HIV/AIDS was discovered in 1982 in Kasensero in Rakai district. By 1986, HIV had spread to all districts in the country and Uganda was experiencing a generalised epidemic. In the 1980s and early 1990s, HIV continued to spread leading to many HIV related deaths (Ministry of Health and ORC, 2006).

Ministry of Health and ORC (2006) acknowledges that HIV/AIDS disproportionately affects women and men during the prime of their productive life leading to loss of productivity as the infected people succumb to opportunistic infections and eventually death. Thus it is clear that HIV impacts on the development of Uganda.

From the outset of the epidemic, the Uganda government recognised the gravity of the problem that HIV posed and initiated public health strategies for containment such as the ‘ABC’ strategy (abstinence, being faithful and condom use. The ABC strategy has since been expanded to include Voluntary Counselling and testing (VCT), prevention of mother – to – child transmission of the virus (PMTCT), antiretroviral treatment (ART) and HIV/AIDS care and support (Ministry of Health and ORC, 2006). Legal aid services fall under support services in the response to the epidemic.

According to Ministry of Health and ORC (2006), the Ugandan government recognises the developmental challenges of the epidemic and has taken concrete steps to address it. It states that HIV control is one of the developmental priorities addressed in the country’s Poverty Eradication Action Plan (PEAP) and that the National AIDS Policy provides for protection of the rights of vulnerable individuals and populations and mitigation of the impact of the epidemic at the individual and community levels.

The same commitment by government is echoed in the National Development Plan (NDP). The theme of the NDP is “Growth, Employment and Socio – Economic Transformation for Prosperity”. Among the objectives identified as being strategic for the achievement of the NDP is increasing access to quality social services which include reducing the incidence of HIV/AIDS (National Planning Authority, 2010).

Despite having many policies and legal protections related to HIV/AIDS, Uganda still faces a generalised HIV epidemic with widespread human rights violations against people living with and affected by HIV. Stigmatisation and discrimination trigger a wide range of human rights abuses for which the majority of those affected have not obtained justice. Meeting the demand for timely and affordable legal services is critical to stemming HIV-related human rights abuses in Uganda (Mukasa and Gathumbi, 2008).

1.1.3. Legal Aid and the response to HIV

The role of the law in the response to HIV was recognised in the mid 1990s. Sock (1995) states that, the HIV/AIDS epidemic calls for communal actions if communities are to overcome and survive it in all its ramifications. However, he also says that communal actions in themselves cannot be effective unless taken from a holistic perspective and in an ethical and legal environment conducive to the protection of basic rights and freedoms and the maintenance of individual dignity.

This is the spirit that guided the formation of the African Network on Ethics, Law and HIV, from which UGANET is an outgrowth. At the time, UNDP, in addition to its mandate to promote sustainable human development, also had a role in combating HIV/AIDS. In the 1990s, UNDP acknowledged that the first decade of HIV/AIDS control showed that the epidemic also raised ethical and legal issues relating to individual rights. Thus UNDP supported the creation of an enabling ethical and legal environment in which fundamental human rights would be secured and human dignity preserved. To facilitate the process, UNDP undertook to support the creation of regional networks on Ethics, Law and HIV in Asia and Pacific, Latin America and in Africa (UNDP, 1995).

The African Network on Ethics, Law and HIV was gradually initiated after exploratory missions carried out in nine (9) African countries identified academics, legal experts, lawyers, civil servants from ministries of justice and National AIDS Control Programmes, NGOs and people living with HIV who were interested in establishing such a network. In 1994, this core group of people eventually participated in an inter-country consultation on ethics, law and HIV in Dakar, Senegal. The consultation is believed to have offered African men and women an opportunity to

confront their experiences and views on the ethical and legal aspects of the HIV/AIDS epidemic. The major outcomes of the consultation were the adoption of a declaration of principles and the commitment to establish an African Network on Ethics, Law and HIV. To implement these two main outcomes of the consultation, some tasks were identified among which was the establishment of national networks on ethics, law and HIV one of which is the Uganda Network on Law, Ethics and HIV/AIDS (UGANET). Each national network was to implement a national plan of activity to ensure the promotion of human rights in the context of the HIV/AIDS epidemic in keeping with the Dakar declaration (UNDP, 1995).

Uganda has made remarkable strides in addressing the medical and public health dimensions of the epidemic, leading to high levels of knowledge and awareness. Consequently, families and communities accept family members infected by HIV/AIDS. However people living with HIV continue to face human rights violations such as stigma and discrimination, denial of access to property and inheritance rights, domestic violence, denial of access to education, among others, which serve to segregate persons living with HIV from the enjoyment of rights and freedoms that other community members enjoy (Ministry of Health and ORC, 2006).

These violations in themselves obstruct the productivity of persons living with HIV as they are robbed of the will to live. Secondly these violations act as a powerful negative tool that deter people from accessing medical services which are essential for the well being and increased productivity of persons living with HIV. It is in circumstances such as these that legal aid plays an important role of enforcing the rights of persons living with HIV, so as to enable them to live full productive lives.

1.1.4 The Uganda Network on Law, Ethics and HIV/AIDS (UGANET)

The Uganda Network on Law, Ethics and HIV/AIDS (UGANET) is a non-governmental Organisation established in 1995. UGANET was conceived, after recognition that the protection of human rights has a critical role to play in influencing the success of HIV&AIDS interventions. Especially interventions geared towards mitigating the impact of HIV and AIDS and also prevention of its further spread. UGANET's mission is to advocate for the development and strengthening of an appropriate policy, legal, human rights and ethical frameworks for the response to HIV/AIDS in Uganda (UGANET, 2005).

Since its establishment in 1995, UGANET has spearheaded the provision of legal aid services for persons living with HIV. UGANET has also been at the forefront in advocating for law reform, better enforcement of existing laws, in building the capacity of key stakeholders and in empowering individuals living with or those affected by HIV&AIDS and their communities to know and to enforce their human rights. UGANET works in five (5) districts in Uganda namely; Lira, Masindi, Pallisa, Ntungamo and Kampala. UGANET secretariat is located in Ntinda in Kampala. In fulfilling its mandate of protecting and promoting the rights of people living with and affected by HIV, UGANET not only provides legal aid but also carries out institutional capacity building on human rights and HIV/AIDS, advocacy for legal reform and enforcement, constitutional awareness raising, community sensitisation on human rights and HIV, research, documentation and dissemination (UGANET, 2011). This study only focused on the legal aid provided by UGANET through responding to complaints of human rights violations presented to them by people living with and affected by HIV.

1.2. Statement of the Problem

Since the discovery of the HIV epidemic, human rights violations have aggravated the conditions and quality of life of persons living with HIV (PLHIV). By 1995, when UGANET started providing legal aid for persons living with HIV, a large number of PLHIV were accessing Anti Retroviral Treatment (ARVs). However, in spite of such advancement in the health of PLHIV, community members continued to shun PLHIV and their relatives and denied them the use of communal property, such as land, exercise of their profession, like teaching or business ventures which were sources of their livelihood. Ministry of Health and ORC (2006), indicate from their research that only 20.1% of adults aged 30-39 agree to persons living with HIV being involved in productive economic work such as selling groceries in the market or teaching. This is a positive aspect. However, 20.1% is a minority, compared to the 79.9% of the rest of the research population that does not agree with PLHIV being involved in productive economic work. This is a setback for development, in the sense that such people are rendered unproductive by human rights violations, in situations where they could otherwise support entire families with their work and earnings and even contribute to the tax base of the country.

This investigation was called for because legal aid and human rights have become much applauded as essential components in the mitigation of the impact of the HIV/AIDS epidemic. Yet the extent to which legal aid and protection of rights has contributed to the improvement of the quality of life of people living with and affected by HIV seems to be unclear. Whereas legal aid involves a variety of services, this study only focused on complaints made by legal aid beneficiaries and the strategies used by UGANET to address these complaints.

The study revealed what access to justice through Legal aid can contribute to the wellbeing of people living with and affected by HIV. This was important because since the 1990s, legal aid had been recognised as an essential intervention in the response to the HIV epidemic (UNDP, 1995). However, the contribution of legal aid towards the improvement of the quality of life of persons living with and affected by HIV/AIDS had not yet been investigated.

1.3. Objective of the Study

1.3.1 Major Objective

To investigate the contribution which legal aid has made to the improvement of the quality of life of persons living with and affected by HIV/AIDS.

1.3.2 Specific Objectives

1. To establish complaints of human rights violations that UGANET registers from persons living with and affected by HIV
2. To establish strategies used by UGANET to respond to the complaints received from persons living with and affected by HIV
3. To examine the effects of UGANET interventions on the beneficiaries
4. To assess the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV

1.4. Research Questions

1. What complaints of human rights violations does UGANET register from persons living with and affected by HIV?
2. What strategies are used by UGANET to respond to the complaints received from persons living with and affected by HIV?
3. What effects have UGANET interventions had on beneficiaries?
4. What challenges does UGANET face in providing legal aid to persons living with and affected by HIV?

1.5. Scope of the Study

The study covered actions taken by UGANET, between 2008 and 2011, to respond to complaints received by the organisation from people living with and affected by HIV. The study also looked into how UGANET legal aid interventions affected the quality of life of their beneficiaries. The geographical coverage was areas in and around Kampala that are served by UGANET legal aid office in Kampala. Kampala was chosen for the study because it was reported to have the highest prevalence of HIV (11.8%) in the country (Ministry of Health and ORC, 2006). Thus the respondents chosen for the study were taken from a part of this majority. This study focused only on the complaints received by UGANET from people living with and affected by HIV and the strategies that UGANET used to respond to these complaints. Other services provided by UGANET and not included in this study are institutional capacity building on human rights and HIV/AIDS, advocacy for legal reform and enforcement, constitutional awareness raising, community sensitisation on human rights in the context of HIV/AIDS, research, documentation and dissemination (UGANET 2011).

1.6. Significance of the Study

The findings of the study are resourceful in revealing the experiences of people living with and affected by HIV who have interfaced with legal aid. They also make a contribution to the appreciation of the value that legal aid adds in the response to HIV.

These findings can be useful to organisations providing HIV and AIDS services in the sense that they provide the evidence needed to promote referral of their beneficiaries for legal aid services in cases where the rights of such beneficiaries are being violated.

At the policy level, the findings of the study can encourage Members of Parliament to advocate for the implementation and support of legal aid services by the government of Uganda. Such an outcome can lead the government of Uganda to educate people affected by HIV/AIDS about their rights and provide free legal services to enforce those rights.

These findings can also prompt further study into the contribution of legal aid to the improvement of the quality of life of people living with and affected by HIV in Uganda as a whole country.

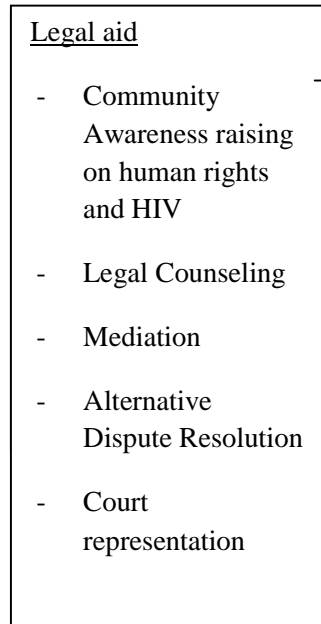
1.7 Justification of the Study

For the past 16 years, UGANET has been providing legal aid for people living with and affected by HIV. No study had been carried out since its inception to investigate the contribution UGANET's legal aid had made to the improvement in quality of life of its beneficiaries. Without the study, it would be difficult to gauge whether resources invested in UGANET's legal aid were for a worthwhile cause or not. HIV is still a widespread and life threatening epidemic that hinders development efforts.

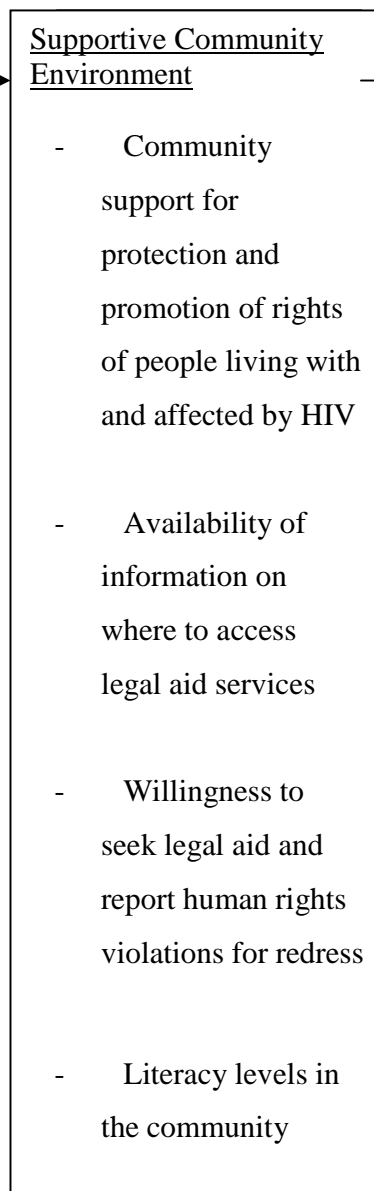
In an underdeveloped country like Uganda, it is important that every investment made to address the impact of HIV directly contributes to improving the indicators for development. It was therefore justified that the current study was carried out at the time it was done. Finally, the research serves as a prerequisite for the award of a Masters of Arts degree in Development studies.

1.8 Conceptual Framework

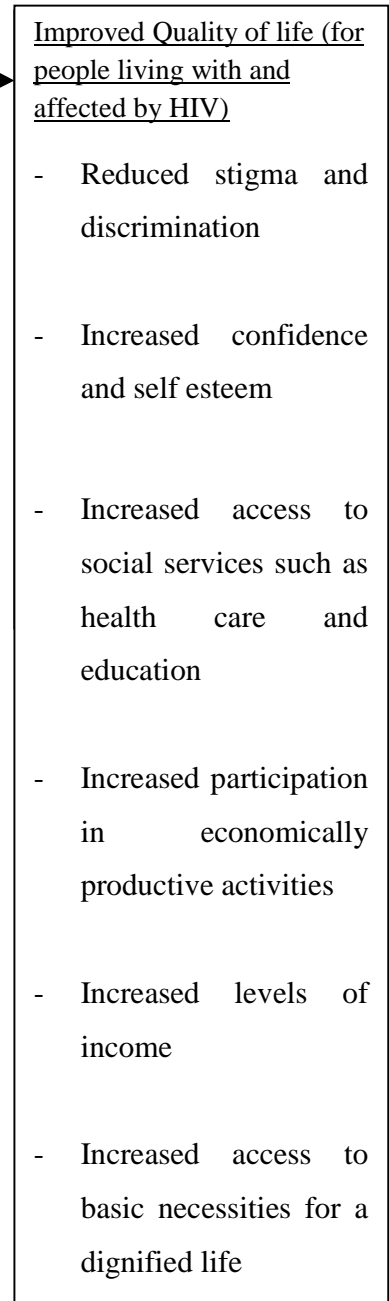
Independent Variable



Intervening Variable



Dependent Variable



The conceptual framework, shows that legal aid services such as raising awareness on human rights and HIV in the community can help to reduce HIV based stigma and discrimination. Stigma and discrimination are fuelled by ignorance about HIV and how it is transmitted as well as ignorance about the rights of people living with HIV.

A supportive community environment is necessary for community members to realise their rights through legal protection. For example, if the community is supportive of people living with and affected by HIV, the protection and promotion of their rights through legal aid will also be supported by the community. On the other hand, if there is no community support for protection and promotion of rights of people living with and affected by HIV, stigma and discrimination will continue in spite of awareness programmes. Stigma and discrimination sabotage all efforts made to improve the quality of life for people living with and affected by HIV (Mukasa and Gathumbi, 2008).

Availability of information in the community on where to access legal aid services will determine whether people living with HIV will seek legal aid services when they experience human rights violations in the community. Whether people living with and affected by HIV will seek redress through legal aid services will also be determined by their willingness to report the human rights violations they experience.

The levels of literacy should be such that the community is able to appreciate human rights and seek their fulfillment. Such attitudes are directly affected by availability of opportunities such as education, economic activities, etc within the community (Mukasa and Gathumbi, 2008).

Once stigma and discrimination are reduced, community members become more supportive of people living with and affected by HIV. This enables these people to participate more freely in community activities such as attending school for children and participating in economic and social activities for adults, among other such activities that eventually guarantee access to basic necessities for a dignified life.

1.9 Conclusion

In this chapter, the researcher explained what UGANET is and briefly discussed the current situation of HIV and AIDS in Uganda. Legal aid and its relation to HIV were also discussed, after which the objectives of the study were stated. The chapter also expressed the statement of the problem, the justification and significance of the study and the conceptual framework. The next chapter will focus on review of literature related to the topic of research.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

In this chapter, some sources of literature related to the topic of study were examined. The literature review focuses on the concept of quality of life, the concept of legal aid, human rights violations affecting persons living with and affected by HIV, the contribution of legal aid services and challenges related to providing legal aid to persons living with and affected by HIV.

2.1 The Concept of Legal Aid

Legal aid is generally understood as free or subsidised services to eligible individuals or groups, mainly poor and vulnerable people, provided as a means to strengthen their access to justice, through the provision of legal information and education, legal advice and assistance, alternative dispute resolution (ADR) and/or legal representation (The Danish Institute for Human Rights, 2011).

Not all persons living with HIV are in need of legal aid. However, those who cannot afford to pay for legal services need legal aid. Most liberal democracies consider that it is necessary to provide some level of legal aid to persons otherwise unable to afford legal representation on the basis that failure to do so would deprive such persons of access to justice. Persons who cannot afford legal representation would be disadvantaged if the state or a wealthy individual took them to court. Thus, the principles of equality before the law and due process under the rule of law would be violated (LASPNET, 2009).

In all parts of the world, provision of legal aid as a social service is practiced. In the United States, for example, their government established a legal services corporation to provide legal aid services for criminal and quasi –criminal cases. In England and Wales, legal aid is available for most criminal cases as well as many types of civil cases. Similar services are provided in

Australia, India and Southern Africa (LASPNET, 2009). In East Africa, legal aid services are available, though on a small scale (The Danish Institute for Human Rights, 2011).

In Uganda, the government does not fund legal aid. However, a limited number of non-government initiatives are implemented to ensure that marginalized and poor people have access to the justice system. According to various surveys carried out by Legal Aid Service Providers Network of Uganda (LASPNET), on legal aid services and the needs analysis conducted, there is a great need for legal assistance. There are few service providers operating in a few parts of the country and with major presence in urban centres (LASPNET, 2009). This limits the availability of legal aid services in Uganda to the urban centres, while the rural areas are underserved. The investigation of the contribution of legal aid to the quality of life of people living with and affected by HIV limited the study to Kampala, an urban area, where UGANET has offices serving clients from within and around Kampala.

In the provision of legal aid, there are various models used for the delivery of legal aid services. These include the following;

The “staff attorney” model, whereby lawyers are employed on a salary, solely to provide legal assistance to low- income clients who fall within the category targeted by the employing party.

The “judicature” model; in this model, private lawyers and law firms are paid to handle cases from eligible indigent clients alongside the fee-paying clients.

The “community legal clinic” model in which non-profit clinics serve a particular community or group settings through a broad range of legal assistance services such as representation, education, law reform, etc, provided by both lawyers and non-lawyers (LASPNET, 2009).

UGANET uses two of the above named models namely; the staff attorney model and the community legal clinic model in the provision of legal aid services to people living with and affected by HIV. UGANET legal officers are lawyers paid by the organisation to provide legal aid to persons living with and affected by HIV. The employment of staff lawyers enables the organisation to fulfill its mandate of ensuring the realisation of the legal rights of people living with and affected by HIV. At the same time, UGANET works through paralegals whose role is to support the staff lawyer by reaching communities where the lawyer cannot reach. These

paralegals are community members trained by UGANET to provide legal assistance services such as community sensitisation on human rights and the law, mediation and referrals for redress (UGANET, 2011).

HIV- related legal services are an essential component of an effective national HIV response because of the several attributes that they contribute. For example, HIV related legal services protect and promote the human rights of people living with and affected by HIV. These services are essential to ensure good public health and development outcomes and they contribute directly to building an enabling environment for effective HIV programmes. Legal services enable people to claim and enforce their rights to access HIV services. UGANET, the case for this investigation networked with other AIDS Service organisations to ensure cross referrals for legal aid and other AIDS services (UGANET, 2011).

Legal services provide concrete solutions to legal and social problems that accrue from vulnerability to HIV or arise from vulnerability to HIV. Strengthening HIV-related legal services enables people who are socially marginalized to have access to the justice system for HIV-related problems and to obtain protection and redress (IDLO and UNAIDS, 2009). The mandate of UGANET in providing legal aid is to obtain protection and redress for the rights of people living with and affected by HIV.

2.2 Legal aid services and HIV/AIDS

HIV related legal services can be described as legal services for people living with or affected by HIV. Such services attend to matters arising from one's actual or perceived HIV status. Examples include denial of employment due to HIV status, addressing issues such as succession planning, making plans for medical treatment, which arise because of one's HIV status (IDLO and UNAIDS, 2009). It is the solution of such matters that the study investigated with the intention of ascertaining the contribution legal aid makes to the quality of life of beneficiaries when such matters are addressed.

Legal aid services related to HIV can be divided into two categories namely; core HIV related legal services and additional HIV related services. IDLO and UNAIDS (2009) describe core

legal services as those services that are essential to ensure that an individual's legal rights can be secured and enforced. In the study, the legal services investigated were core legal services provided by UGANET. Examples of core legal services include the following;

Providing legal information; this can be done in person, by telephone, the internet or in brochures, posters, simplified booklets and pamphlets. The study set out to establish strategies used by UGANET to respond to the complaints received from persons living with and affected by HIV. Thus knowledge that provision of legal information was a core legal service set a background against which UGANET legal aid strategies were investigated.

Referral; A person with a legal problem may be referred to different sources such as private lawyers, government legal aid offices, or non – governmental organisations for legal support. UGANET uses the staff attorney model and the community legal clinic model in the provision of legal aid services to people living with and affected by HIV (UGANET 2011). Thus the need for referral as a core legal service does not arise.

Legal advice; Legal advice is usually provided to individuals by a lawyer or a paralegal. The advice may be in relation to civil or criminal cases. Some services provide advice for people who have been arrested or charged with a crime. Legal advice is one of the most commonly provided legal services by UGANET through their legal officers and paralegals (UGANET 2011).

Legal representation; Representation may include written and oral advocacy, negotiation of disputes and preparation of documents. It can take place in formal and informal settings including litigation in courts, settlement, conciliation, arbitration and mediation. Similar to legal aid, UGANET provides legal representation to people living with and affected by HIV. This core service is solely provided by UGANET legal officers (UGANET 2011).

Additional HIV legal services on the other hand are described by IDLO and UNAIDS (2009) as services that are supportive of and are supported by the core services. They are mainly composed of legal literacy and empowerment programmes. These programmes involve education of people

living with and affected by HIV and key populations vulnerable to HIV infection about their legal and human rights. Such services raise awareness about the availability of legal services. They also enlighten people to know when their legal and human rights have been infringed upon and how to enforce their rights. Legal literacy programmes also include education of the justice law and order sector, health workers, and the media about HIV, human rights and the law as well as effective provision of HIV related services. Advocacy for law and policy reform also falls under additional legal services. These additional services are part of the services that UGANET has taken on as part of the organisation's mandate. As indicated above, these additional HIV legal services enable UGANET to effectively deliver their core legal aid services to people living with and affected by HIV.

HIV is considered a challenge that faces human kind today more than ever before. Due to the advent of HIV, there has been need to transform social systems to provide for social interactions that uphold the dignity of all persons, including those people living with and affected by HIV. Such a transformation calls for an ethical and legal environment conducive to the protection of basic rights and freedoms and the maintenance of individual dignity (UNDP 1995).

From within Africa, several organisations are providing HIV related legal aid. The services they offer include training, information and education for people infected and affected by HIV, information and training for health care workers and legal practitioners on HIV/AIDS related ethical and legal problems, advocacy, development of partnerships with other entities dealing with issues of HIV/AIDS done in the Central African Republic, ongoing legal counseling for AIDS support organisations in Kenya, litigation against scientists in Kenya who falsely claim to cure AIDS, sensitisation workshops for community members and leaders on legal issues surrounding HIV/AIDS, and facilitation of debate forums where people discuss serious legal and ethical issues like criminalizing the intentional spread of HIV, confidentiality at the family level, testing at various levels and policy issues on HIV/AIDS (UNDP, 1997). These are the same issues that UGANET addresses as part and parcel of providing legal aid for people living with and affected by HIV. Through addressing underlying policy social – environmental issues that affect HIV, UGANET aimed at ensuring the protection of the integral wellbeing of people living with and affected by HIV.

Examples from other parts of the world also show that legal aid is being carried out to avert human rights violations arising from HIV. For example, Lawyers Collective of India successfully took on a constitutional challenge to the Goa Public Health Act under which a man was detained because of his HIV status. The same organisation also won an unfair dismissal case (X v. Y) in Mumbai (UNAIDS, 1999).

The success of these legal interventions relating to HIV creates an environment in which the rights of persons living with HIV are respected starting from the structural level, down to the individual level in society.

According to Cameron (2009), when people living with and affected by HIV and AIDS are given good legal information and advice, they acquire some means to deal with threats to their jobs, homes, social security entitlements, physical security, their privacy and their dignity. But without legal information and advice, such people are more vulnerable than HIV and AIDS already makes them. This shows that legal aid such as that provided by UGANET has a capacity to improve the quality of life of people living with and affected by HIV.

The study investigated the role of UGANET's legal aid services in mitigating the negative effects of human rights violations against persons living with and affected by HIV. UGANET was created to provide free legal services to enforce the rights of persons living with HIV (UGANET, 2005).UNAIDS (1999) advises that states should implement and support legal support services, that will educate people affected by HIV/AIDS about their rights and provide free legal services to enforce those rights. They affirm that helping individuals to enforce their rights in practice is critical. The findings of the study reveal that UGANET services have improved the quality of life of their beneficiaries.

2.3 The concept of Quality of life

Quality of life is a broad term. Noll quoted in Rapley (2003:23) affirms that since the 1960s, the term quality of life has been routinely used in the discussion of everything from the relative 'liveability' of towns, cities and nations to the aims and effects of social policy. Still, his

definition of the term as good living conditions which go together with positive subjective well-being provides a clearer understanding of the term. In investigating the contribution that legal aid makes to the quality of life of people living with and affected by HIV, this study considered quality of life as well being in terms of good living conditions.

Quality of life can also be understood by what it denotes. Taking from the words ‘good living conditions’ and ‘well-being’ used in the definition above, it can be said that quality of life denotes an absence of poverty in the sense of poor living conditions. According to Benedict XVI (2009:51), one of the deepest forms of poverty a person can experience is isolation. He also affirms that, looking closely at other forms of poverty, including material forms of poverty, it can be seen that they are born of isolation among other things. Indeed the violation of rights of people isolates them and by so doing excludes them from accessing basic rights and freedoms. For people living with and affected by HIV, denial of access to education, to health services and to property among other rights, would be to isolate them and to subject them to poor living conditions.

The Macmillan English dictionary for advanced learners defines quality of life as the enjoyment of life as at a basic level, which includes being happy and healthy rather than having lots of money (Macmillan Education, 2002). This definition is in consonance with the foregoing discussion of quality of life being connected to ‘good living conditions’ and ‘wellbeing’ which should provide for the enjoyment of life at a basic level.

In the context of HIV then, an improved quality of life will involve all those aspects that are relevant for the well being of persons living with and those affected by HIV. These include access to HIV prevention, treatment, care and support as well as the enjoyment of basic right rights and freedoms.

The National Strategic Plan (NSP) in one of its goals speaks about improving the quality of life of persons living with HIV by 2012. By so doing, the NSP alludes to improvement of health services as a way of mitigating the health effects of HIV/AIDS (UAC, 2007). This fits in with the Noll in Rapley (2003:23) attribution of subjective well being as one of the aspects that make up quality of life.

Quality of life has to do more with the development of people rather than the development of things. In Todaro (2000), the 1991 World Development Report is quoted as having affirmed that a better quality of life generally calls for higher incomes but involves much more. It encompasses as ends in themselves better education, higher standards of health and nutrition, less poverty, a cleaner environment, more equality of opportunity, greater individual freedom and a richer cultural life. This view differs slightly from the views that downplay the role of money in contributing to a better quality of life. Indeed, money is not the most important determinant of quality of life; however it does play a significant role in the attainment of economic welfare.

Jhingan (1999), in referring to economic welfare quotes the neo-classical economist Pigou who defines economic welfare as the satisfaction or utility derived by an individual from the use of economic goods and services or those that can be exchanged for money. Following this definition and mindful of the foregoing discussion, this study was informed by the notion that the contributing factors to a better quality of life include, but are not limited to money.

Also worth paying attention to as basic guidelines in a study that investigated improvement in quality of life are the core values of development namely; sustenance, self – esteem and freedom. These values are believed to represent the common goals sought by all individuals and societies. They relate to fundamental human needs that find their expression in almost all societies and cultures at all times. Therefore constitute what makes a good life (Todaro, 2000). In addressing the question of the contribution of legal aid to the quality of life of people living with and affected by HIV, the study sought out evidence of sustenance, self esteem and freedom as signs of an improved quality of life.

Sustenance is the ability to meet basic needs. All people have certain basic needs without which life would be impossible. These include food, shelter, health and protection (Todaro, 2000). To contribute to an improved quality of life will therefore imply to expand the capabilities and opportunities of people to attain sustenance.

Self –esteem is a sense of worth and self respect, of not being used as a tool by others for their own ends. The nature and form of self –esteem may vary from society to society and from culture to culture (Todaro, 2000). In the same respect as what constitutes quality of life, self - esteem does not have to be dependent on material achievement. For people living with and affected by HIV, respect of their rights was key to fostering their own self respect.

Todaro (2000) defines freedom as emancipation from alienating conditions of life, from social servitude to nature, other people, misery, institutions and dogmatic beliefs. It involves an expanded range of choices for societies and their members together with a minimisation of external constraints in the pursuit of some social goal called development. From Todaro's definition, it can be construed that freedom refers to the ability for people, including people living with HIV, to enjoy their liberties.

In investigating the contribution of legal aid services to the improvement of quality of life of people living with and affected by HIV/AIDS, the researcher paid attention to both the economic and non-economic determinants of quality of life.

2.4 Human rights violations affecting persons living with and affected by HIV

Human rights are inherent entitlements that every human being possesses by virtue of being human. These rights are spelled out in the Universal Declaration of Human Rights (UDHR), even though the rights themselves predate the declaration which only came into force in 1948 (United Nations, 1948) .

Following the UDHR, and other international Instruments and Conventions that have been established in the course of the past half century, national governments have been pressed upon to promote, protect and fulfil the rights of all their citizens indiscriminately. In Uganda, the Constitution of the Republic of Uganda (1995), spells out the state's commitment to protect the human rights of all persons. In as much as the state is mandated to protect the rights of citizens, individual rights holders also have the responsibility to promote and protect their own rights.

For individual rights holders to realise their rights, it is important that the communities where they live are also committed to promoting and protecting the rights of individuals. In places where communities are not supportive of persons living with or affected by HIV, the rights of such people get violated. A recent case in point is that of a head teacher from Tororo who was denied her job on the grounds of her HIV status (Nasser, 2012).

Human rights violations occur when people disrespect the rights of others. People may violate others' rights as a result of ignorance, as a result of the influence of societal norms and customs, out of fear or out of impunity. In the case of HIV, the fundamental human rights of people living with HIV are often violated based on their known or presumed HIV status (Monico, Tanga et al, 2001).

In many communities, HIV is still a disease attributed to immorality. As such being HIV positive bears a mark of shame, this makes people wary of associating with people perceived or known to have HIV. It is also worth noting that HIV/AIDS is still an incurable and life threatening disease. Due to fear for contracting HIV, discrimination and stigma abound against people living with HIV. Stigma, silence, discrimination, privacy issues and denial of psychosocial and medical services, including antiretroviral treatment, are some of the violations faced by people living with HIV. (Monico, Tanga et al, 2001).

Stigma and discrimination can lead to other violations of human rights which affect the well-being of people living with HIV in fundamental ways. In countries all over the world, there are well-documented cases of people living with HIV being denied the right to health-care, work, education, and freedom of movement, among others (UNAIDS and IPU, 1999). In Uganda, similar situations occur as in the case cited above of the teacher who was denied her job on grounds of being HIV positive (Nasser, 2012).

The constitution of Uganda provides for non-discrimination and equality for all. Article 21 (3) of the constitution defines discrimination as 'to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability

(Constitution of the Republic of Uganda, 1995). Therefore, to prevent an HIV positive person from carrying out their professional duties on grounds of their status is a human rights violation.

According to Monico, Tanga et al, (2001), discrimination, stigma and denial are still very serious problems in Uganda. HIV and AIDS related stigma has led to many of those infected and affected withdrawing from social contact with other community members. Such people inevitably have difficulty accessing health promotion activities and end up being in poorer mental and physical health.

HIV/AIDS has also been seen to cause insecurity in employment and discrimination in the workplace. Those who are HIV positive and unemployed find it difficult to find work and those who find work are likely to encounter discrimination because of their HIV status. Whereas people living with HIV can lead a relatively healthy and equally productive life, compared to people without HIV/AIDS, they may however face occasional illness that may compromise their productivity. This may lead to reduced output, morale to work, and hence reduced productivity. As a result of this, many HIV positive people have lost employment, lost income and have suffered severe psychological stress (Monico, Tanga et al, 2001).

Research by UNAIDS has revealed that some prominent multinational companies in Uganda require workers to take an HIV antibody test before sending them on expensive training courses. It has also been discovered that challenging these types of discrimination has proved difficult (Monico, Tanga et al, 2001).

For people living with HIV in Uganda, stigmatization and discrimination represent a major obstacle to effective HIV prevention, care, treatment and support. The Agency for Cooperation and Research and Development (ACORD) reported that fear of discrimination at work, school or other spaces prevented people living with HIV from seeking treatment for AIDS or from acknowledging their HIV status publicly (Mukasa and Gathumbi, 2008).

Mukasa and Gathumbi, (2008) note that legal aid service providers they interviewed for their report affirmed that the forms of stigma and discrimination faced by people living with HIV are

multiple and complex. They mentioned that widows and orphans of HIV encounter HIV-related stigmatization and discrimination in Uganda. They may be rejected and expelled from the matrimonial home, with the widows being blamed for bringing HIV into the family and the orphans considered a burden. Orphans face a high rate of school drop – out due to many factors such as discrimination within school and loss of parental support. Human rights violations resulting from peoples’ known or assumed status of HIV can be addressed through the provision of legal aid. The study investigated the difference that legal aid contributed in terms of quality of life for persons living with HIV.

Success in addressing issues of human rights violations often relies on empowering individuals to discuss issues that concern them and to claim their rights to life, health, information, freedom from discrimination, and to be part of the social and economic life. Addressing the stigma associated with HIV and bringing the issue into the public sphere are critical to protecting the rights of those affected.

In addition, legal mechanisms can be established or reinforced to ensure compliance of community members and the different duty bearers like governments, service providers and community leaders in promoting and protecting the rights of people infected or affected by AIDS. Legal action could motivate all persons to desist from blaming HIV positive people for the epidemic and instead play their part in preventing its spread.

2.5 Challenges related to providing legal aid to persons living with and affected by HIV

For the purpose of this study, challenges in providing legal aid were mainly taken from the experiences of organisations providing legal aid for HIV issues within Africa. This is because the situation of such countries is close to Uganda where UGANET operates.

The most important and recurring challenge experienced by most African countries venturing into legal aid for HIV/AIDS is lack of funding. Legal aid service providers lack sufficient funding for equipment and staff, especially lawyers. A service provider from the Democratic republic of Congo noted that donors do not yet understand the need for ethical and legal aspects

in the response to HIV. Thus these aspects are not included in their funding priorities (DRC country report in UNDP, 1997).

Superstition is another challenge that surfaces in the African context. Lack of understanding of information sometimes leads infected people and those affected to suspect cases of sorcery which is difficult to prove legally. Service providers from Rwanda cited superstition as one of the issues reported by clients (UNDP, 1997).

There is also a lack of legal moral support for HIV legal work. In South Africa, the legal aid practitioners' attempts to attract the legal fraternity to participate more in such service provision were fruitless. The legal fraternity has not yet understood that HIV/AIDS is as much a legal issue as it is a medical one (UNDP, 1997).

Political instability has also been registered as a challenge to legal aid service provision in some countries such as Democratic Republic of Congo, Rwanda and Burundi. The imbalance resulting from instability obstructs work through posing transportation problems, lack of meeting places and difficulties in ensuring follow up to activities. The weak rule of law in such situations also encourages an increase in violations that lead to HIV infection and aggravate the situation of infected persons. This is because the forums for legal redress are not properly functional in such situations (UNDP, 1997).

It was important for the study to find out the challenges faced by UGANET in providing legal aid to clients. These challenges pointed towards recommendations of how work can be done differently to improve such services. The challenges could also provide a basis for advocacy to create an enabling environment for the provision of legal aid in the context of HIV.

2.6 Conclusion

In this chapter, the researcher has reviewed literature on what quality of life entails, the violations commonly suffered by people living with and affected by HIV, what legal aid can

offer such people and the difficulties encountered by practitioners in the process of administering legal aid. These topics were discussed in line with the objectives of the study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter discusses the methods used to conduct the research. The chapter states the research and data analysis methods that were used to investigate the contribution of UGANET legal aid services towards the improvement of the quality of life of persons living with and affected by HIV.

3.1 Research Design

The study used a case study as a research design. The case of UGANET was investigated to discover the contribution that UGANET legal services have made towards the improvement of quality of life of their beneficiaries. According to Torrance (2005), case study assumes that 'social reality' is created through social interaction situated in particular contexts and histories. It seeks to identify and describe before trying to analyse and theorise. He further notes that the case study assumes that things may not be as they seem and privileges in-depth inquiry over coverage which means understanding a case rather than generalising to a population at large. Thus the case study in this research was a smaller sample from which insight was gained on what legal aid has contributed towards the improvement of the quality of life of persons living with and affected by HIV.

The research followed both a qualitative and quantitative approach. A lot of quantitative data was used in frequencies, though the research has a qualitative bias. This was done in a bid to find a convergence of the data collected so as to enhance the credibility of the research findings. Nagy and Biber (2010) argue that triangulation ultimately fortifies and enriches a study's conclusions, making them more acceptable to advocates of both qualitative and quantitative methods. They also argue that the mixed methods design enhances complementarity which

allows the researcher to gain a fuller understanding of the research problem and / or to clarify a given research result.

Sumner (2006) defines qualitative research as that which investigates aspects of social life which are not amenable to quantitative measurement. The contribution of legal aid to the improvement of quality of life of people living with and affected by HIV is an aspect of social life that numbers cannot illustrate.

Further still, the outcomes of the study involve the experiences of the beneficiaries which include emotions, motivations, and other subjective aspects associated with their evolving lives. To appreciate these aspects usually requires the consideration of the individual's own perceptions and subjective apprehensions. Thus a qualitative approach was used during the investigation in order to capture the emotions and other subjective aspects of the lives of people living with and affected by HIV.

The foregoing notwithstanding, quantitative approaches were also used in this investigation in establishing the number of respondents for different modes of responses given during the investigation. Percentages were also computed to gauge the extent of dispositions and particular descriptions of respondents. This is in line with Garwood (2006) who defines quantitative research as research involving the collection of data in numerical form for quantitative analysis. She explains that the numerical data can be durations, scores, counts of incidents, ratings, or scales. Quantitative data can be collected in either controlled or naturalistic environments, in laboratories or field studies, from special populations or from samples of the general population. The defining factor, she argues, is that numbers result from the process, whether the initial data collection produced numerical values or whether non-numerical values were subsequently converted to numbers as part of the analysis process, as in content analysis.

3.2 Area of the study

The study was conducted in Kampala district where the headquarters of UGANET are located. Kampala District lies within the Kingdom of Buganda, in Central Uganda. It has a population of approximately 1,189,100 according to the 2002 national census figures (Uganda Bureau of statistics, 2010). The district is bordered by Wakiso District to the south, the west and the north and by Kira Municipality and Mukono district to the east. Kampala District is divided into five (5) administrative divisions namely; Kawempe division, Nakawa division, Makindye division and Lubaga division. Kampala was chosen for the study area because it is reported to have the highest prevalence of HIV (11.8%) in the country (Ministry of Health and ORC, 2006). Thus the respondents chosen for the study were taken from a part of this majority. UGANET provides legal aid for clients in Kampala from its headquarters in Ntinda.

3.3 Study Population

The study targeted people living with and affected by HIV who received legal aid from UGANET in the period between 2008 and 2011. This category of respondents in the study was taken from within and around Kampala. The study also involved UGANET legal officers and local council leaders from the communities where UGANET beneficiaries live. This population was chosen because the people living with and affected by HIV were in position to demonstrate whether benefitting from UGANET legal aid had affected their quality of life in any way. The legal officers of UGANET were chosen for the study because they offer legal aid to people living with and affected by HIV and were therefore in position to comment on the impact of their interventions on the lives of the beneficiaries. The local council leaders were chosen for the study because they observed the beneficiaries of UGANET in their day to day lives in the community. Therefore as leaders they were better placed to comment on whether the quality of life of these beneficiaries had changed in any way.

3.4 Sampling Procedures

The study used non - random sampling techniques. Davidson (2006_a) refers to non-random sampling as an umbrella term that includes all forms of sampling that do not adhere to probability methods. In choosing the sampling procedure, the researcher did not set out to give each member of the group an equal opportunity, but simply aimed to get a required sample from the available respondents. Non- probability sampling was preferred because the study was dealing with people living with and affected by HIV. To disclose the identity of a person living with HIV without their consent is a violation of their right to privacy. Thus only those respondents who were willing to meet the researcher or provide written information of their experiences could be involved in the study. To obtain the respondents involved in the study, the UGANET legal officer contacted their past clients appearing in their client register. Only ten (10) of the clients contacted accepted to be involved in the study.

3.4.1 Sample Size

Table 1: Category and number of respondents sampled

CATEGORY OF RESPONDENTS	SIZE PER CATEGORY
UGANET Legal Officers	4
Local Council Leaders	5
Legal Aid Beneficiaries	10
TOTAL	19

Source: Research Data, May 2012

The study involved four (4) legal officers from UGANET, five (5) Local Council leaders from villages of the targeted beneficiaries and ten (10) legal aid beneficiaries who received legal aid from UGANET between 2008 and 2011.

Out of all the legal aid beneficiaries that had been served by UGANET between 2008 and 2011, only ten (10) were willing to be involved in the study. Many of the other potential respondents were not willing to disclose their identity. This prompted the researcher to double the number of UGANET legal officers targeted for the study from two (2) previously planned for to four (4). This way, the researcher could obtain more information on the contribution of legal aid to the quality of life of beneficiaries living with and affected by HIV.

3.4.2 Sampling Techniques

In choosing the legal aid beneficiaries, the researcher used convenience sampling. From the list of names and contacts of beneficiaries given by UGANET, only those who accepted to be involved in the study were engaged by the researcher. Davidson (2006_b) concurs that accidental or convenience sampling techniques can be used when the researcher must make use of available respondents. The local council leaders were also chosen by accidental or convenient sampling, depending on which of them was available for an interview or willing to fill out a questionnaire.

On the other hand, the UGANET legal officers were chosen for the study by use of purposive sampling techniques. According to Oliver (2006), purposive sampling is a form of non-probability sampling in which decisions concerning the individuals to be included in the sample are taken by the researcher, based upon a variety of criteria which may include specialist knowledge of the research issue or capacity and willingness to participate in the research. UGANET legal officers have privileged information taken from their experiences in the course of their work. This is because they are the ones who provide legal aid to the persons living with and affected by HIV. They were chosen as respondents for the study because they were best placed to provide information on the work of UGANET and its effects on the life of their beneficiaries.

3.5 Data Collection Methods and Instruments

Data was collected from both primary and secondary sources. The secondary data included written documents from UGANET and the tool used to collect secondary data was the documentary review guide. Primary data was collected from the sample of legal aid beneficiaries, from the legal officers of UGANET and from some Local council leaders from the villages of the targeted legal aid beneficiaries. The tools used to collect primary data were questionnaires and interview guides.

3.5.1. Questionnaires

The researcher used questionnaires to collect primary data from ten beneficiaries, two local council leaders and three UGANET legal officers. Odiya (2009) defines questionnaires as a device used for gathering facts, opinions, perceptions, attitudes, attitudes and beliefs among others. The questionnaire was selected as a tool because it generates a lot of data in a short period of time. This allowed the researcher to save time during the course of the research. The questionnaires were both self administered and also researcher administered for those clients who could not read and write.

In the case of some legal aid beneficiaries, the questionnaire was the most convenient data collection tool because they were not willing to disclose their identity to the researcher. However, they were willing to receive a questionnaire from the paralegal who attended to their cases. The information they had could only be collected by use of a questionnaire. The questionnaire was also administered to some local council leaders because they did not have time to sit for an interview. They were willing however to fill out a questionnaire at their convenience and return it to the researcher.

3.5.2. Interviews

According to Davies (2006), interviews are a method of data collection, information or opinion gathering that specifically involves asking a series of questions. She posits that an interview represents a meeting or dialogue between people where personal and social interaction occur. Interviews, she argues, are typically associated with both quantitative and qualitative social research and are often used alongside other methods. Interviews were conducted with three local council leaders and one UGANET legal officer. An interview guide was used for One Legal Officer of UGANET and three Local Council I Leaders. This method was chosen because these two categories of respondents were key informants. As such the interview allowed for depth in the explanation given by the respondents and it will also provided room for the researcher to ask follow – up questions.

3.5.3. Documentary Review

Secondary data was reviewed using the Documentary Review method guided by a Documentary Review Guide. The documents reviewed were the UGANET constitution and strategic plan which provided background information on the mandate and work of UGANET.

3.6. Quality Control Methods

Quality control is the extent to which the research instruments measure what they are intended to measure. To establish validity of the questionnaire and the interview guide, the researcher presented the tools to peers from the M.A development studies class. These reviewed the tools and proposed some improvements for the tools. The improvements were made and thereafter, the tools were administered.

3.7. Data Management and Processing

Data collected by use of questionnaires was filed. After all the filled out questionnaires were returned, this data was transcribed as was data collected from interviews. Raw data was

categorised by grouping similar ideas within the research. All data collected was processed into one document of responses collected from the field. This then was referred to for presentation, discussion and analysis of the findings.

3.8. Data Analysis

The data was analysed using thematic analysis, where themes were identified basing on the research objectives. This made it possible to make an in-depth analysis of the qualitative and quantitative data using simple descriptive means.

The quantitative data produced was summarised and presented in tables so as to facilitate the drawing of comparisons with the qualitative data and to enable summarising of information reflected into relevant percentages.

3.9. Ethical Considerations

The researcher obtained a letter of introduction from Uganda Martyrs University. This letter introduced the researcher and the research to be carried out to UGANET and the respondents. The researcher also pledged to protect the confidentiality of UGANET clients' information. Once consent to proceed with the research is obtained, the researcher will proceed with the research.

From UGANET consent was sought and obtained which allowed the researcher to use the organisation as a case study in the research. The organisation also granted permission to access legal officers and willing clients served between 2008 and 2011. The researcher also ensured confidentiality of the respondents by seeking their consent, by making it optional to give their bio-data and by assuring confidentiality for those who opted to provide their bio-data.

The wishes of respondents were respected throughout the research. To obtain information from some respondents, the researcher used gate keepers whom the respondents preferred to interface with as a way to maintain the confidentiality of their identity.

3.10. Limitations of the Study

Many of the potential respondents refused to be involved in the study, probably due to fear of being identified with HIV and AIDS. To overcome this limitation, the researcher involved only those respondents in the study, who were willing and able to provide the needed information. The researcher had intended to include fifty (50) legal aid beneficiaries in the study. However, only ten (10) accepted to be involved in the study.

The researcher also had difficulty in locating some respondents. Due to the time lapse, some clients had migrated to live in further locations from Kampala. For example, one client who was formerly residing in Kireka had since separated from her husband and migrated to Mukono. To overcome this constraint, the researcher prepared an extra budget for airtime and transport to locate the respondents who had moved out of Kampala.

3.11. Conclusion

This chapter discussed methods that were used to conduct the research. It stated the research and data analysis methods that were used to investigate the contribution of UGANET legal aid services towards the improvement of the quality of life of persons living with and affected by HIV. And it indicated the constraints met by the researcher when conducting the research.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.0 Introduction

This study investigated the contribution of legal aid to the improvement of quality of life of people living with and affected by HIV. The data collected was analysed using thematic analysis for the themes identified based on the objectives of the research. This chapter presents a summary of the data collected, organized, interpreted, discussed and presented by the researcher.

This chapter is divided into five sub-sections. The first sub-section is the introduction, which presents information about the Uganda Network on Law, Ethics and HIV/AIDS (UGANET). The subsequent four sub-sections are laid out in line with the objectives of the study. The second sub-section discusses the kind of complaints of human rights violations that UGANET registers from persons living with and affected by HIV, the third sub-section discusses the strategies that UGANET uses to address complaints of human rights violations reported by people living with and affected by HIV, the fourth subsection discusses the effects of UGANET interventions on their beneficiaries and the fifth sub-section discusses the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV.

The Uganda Network on Law Ethics and HIV/AID (UGANET)

The Uganda Network on Law, Ethics and HIV&AIDS (UGANET) is a national, not- for profit, non-Governmental Organization established in 1995. UGANET provides free legal services to people living with and affected by HIV. The organization also carries out human rights training for organizations and communities and implements policy advocacy for the creation of human rights respecting legal and social frameworks.

UGANET operates regionally with five regional offices in Lira, Masindi, Ntungamo, Namutumba and Kampala. These offices coordinate UGANET’s advocacy and community based interventions in the regions and also provide legal aid services to persons living with and affected by HIV/AIDS (UGANET, 2011).

Within the regions, UGANET has networks of individuals and community based organizations that collaborate with it in promoting and advocating for human rights of persons living with, affected by HIV. These Networks are grouped differently in different areas; they constitute Paralegal Service Corps, Community Activists and Community Action Teams. In planning and coordinating community based activities, UGANET also works in partnership with Districts Local Governments, established government institutions, NGO’s and PLHIV Networks operating at district and sub county level respectively (UGANET, 2011).

Demographic Characteristics

Table 2: Gender of UGANET Legal aid Beneficiaries in the study

Gender	Frequency	Percentage
Male	2	20%
Female	8	80%
TOTAL	10	100%

Source; Research data, May 2012

The above data portrays that the majority of clients seeking legal aid from UGANET were female. 80% (8) of the respondents were female while 20% (2) of the respondents were male.

Table 3: Marital Status of UGANET Legal aid Beneficiaries in the study

Marital Status	Frequency	Percentage
Married	3	30%
Not Married	7	70%
TOTAL	10	100%

Source; Research data, May 2012

In table 2, the data reveals that of the legal aid beneficiaries involved in the study, 30% (3) were married while 70% (7) were not married.

Table 4: Age of UGANET Legal aid Beneficiaries in the study

Age	Frequency	Percentage
15 and below	2	20%
16-25	0	0%
26-35	4	40%
36 and above	4	40%
TOTAL	10	100

Source: Research data, May 2012

The data in the table above indicates that 20% (2) of UGANET legal aid beneficiaries involved in the study were below 15 years of age, while 40% (4) were between 26 to 35 years of age and another 40% (4) were above 36 years old.

Table 5: Level of Education of UGANET Legal aid Beneficiaries in the study

Education Level	Frequency	Percentage
Primary	4	40%
Secondary	5	50%
Tertiary	0	0%
University	0	0%
None	1	10%
TOTAL	10	100

Source: Research data, May 2012

The data above indicates that of the beneficiaries of UGANET involved in the study, 40% (4) had attained primary education, 50% (5) had secondary education and 10% (1) had no formal education at all.

4.1 The complaints of human rights violations that UGANET registers from persons living with and affected by HIV

The first objective of the study was to establish the complaints of human rights violations that UGANET registers from persons living with and affected by HIV. To achieve this objective the respondents were asked to select from a list or name the human rights violations they experienced. The results are presented in the table below;

Table 6: Complaints about human rights violations

Human Rights Violations	UGANET Legal Officers		Local Council Leaders		Legal aid Beneficiaries		Total	
	Frequency	%age	Frequency	%age	Frequency	%age	Frequency	%age
Domestic violence	3	15.8	5	26.3	6	31.6	14/19	73.7%
Child Neglect	4	21.1	3	15.8	2	10.5	9/19	47.4%
Child Abuse	3	15.8	2	10.5	2	10.5	7/19	36.8%
Inheritance rights	2	10.5	0	0	2	10.5	4/19	21.1%
Property rights	2	10.5	1	5.3	0	0	3/19	15.8%
Threatening Violence	1	5.3	0	0	2	10.5	3/19	15.8%
Custody	1	5.3	0	0	2	10.5	3/19	15.8%
Land Rights	2	10.5	0	0	0	0	2/19	10.5%
Maintenance	1	5.3	1	5.3	0	0	2/19	10.5%
Unlawful detention	0	0	0	0	1	5.3	1/19	5.3%

Source: Research Data, May 2012

Fourteen respondents (73.7%) named domestic violence as a human rights violation registered by or reported to UGANET. Out of the fourteen respondents, three (15.8%) were UGANET legal officers, five (26.3%) were local council leaders and Six (31.6%) were UGANET legal aid beneficiaries.

The percentage of domestic violence reported in this study is reminiscent of the recent national figures on violence. The 2011 Uganda Demographic and Health Survey Preliminary Findings on Violence place the percentage of women who reported experiencing physical violence at 56.1% in 2011(Uganda Bureau of Statistics, 2012). The Domestic Violence Act recognises physical violence as a component of domestic violence, for as long as the violation occurs in a relationship in a domestic setting (The Republic of Uganda, 2010).

The 2011 UDHS included questions that focused on women's and men's experience of interpersonal violence, including acts of physical and sexual violence. Information was collected on both domestic violence (also known as spousal violence or intimate partner violence) and violence by other family members or unrelated individuals. The report presented the prevalence of women and men who ever experienced interpersonal violence (physical violence since the age of 15 and lifetime experience of sexual violence), and the prevalence of women and men who experienced intimate partner violence (Uganda Bureau of Statistics, 2012).

This study and the 2011 Uganda Demographic and Health Survey Preliminary Findings show the percentage of domestic violence to be over 50%. This similarity in the high prevalence of domestic violence reflects its gravity as a problem in communities.

The findings presented in table 6 show that all the four legal officers of UGANET named child neglect as one of the violations registered by UGANET. They made up 21.1% of the respondents. 15.8% (3) of the respondents who mentioned child neglect were local council leaders and 10.5% (2) were legal aid beneficiaries.

Child abuse was also mentioned by 36.8% (7) of the respondents. Of these, 15.8% (3) were UGANET legal officers, 10.5% (2) were local council leaders and another 10.5% (2) were legal aid beneficiaries.

Two legal officers of UGANET named violation of inheritance rights as one of the human rights violations registered from persons living with and affected by HIV. These made up 10.5% of the respondents. Similarly, two legal aid beneficiaries named violation of inheritance rights as a human rights violation that they reported to UGANET. These also made up another 10.5% of the respondents.

15.8% of the respondents affirmed violation of property rights. Two legal officers (10.5 %) acknowledged property rights violations as one of the human rights violations that UGANET registers. One local council leader (5.3%) also mentioned violation of property rights as one of the violations reported by the beneficiaries of UGANET legal aid.

Three (15.8%) respondents mentioned threatening violence as a human rights violation reported to UGANET. One (5.3%) of the respondents was a legal officer of UGANET while two (10.5%) of the respondents were legal aid beneficiaries.

In a similar way to the violation of threatening violence, three (15.8%) respondents mentioned custody as a human rights violation reported to UGANET. One (5.3%) of the respondents being a legal officer of UGANET while two (10.5%) of the respondents were legal aid beneficiaries.

Two respondents (10.5%) named land rights as a violation that UGANET registers from people living with and affected by HIV. All the two in this case were UGANET legal officers.

Two (10.5%) respondents named maintenance as one of the human rights violations registered by UGANET. Of the two, one (5.3%) respondent was a legal officer of UGANET while the other one (5.3%) respondent was a local council leader.

Only one (5.3%) respondent mentioned unlawful detention as a human rights violation reported to UGANET. This respondent was one of the legal aid beneficiaries. The legal officers of UGANET registered 0% on this violation as did the local council leaders.

The perpetrators of human rights violations

Respondents were asked to name the perpetrators of human rights violations. The legal officers of UGANET and the local council leaders were asked to name the most common perpetrators of human rights violations reported to them, while the legal aid beneficiaries were asked to mention who violated their rights. The responses obtained through the study are illustrated in the table below;

Table 7: Perpetrators of human rights violations

Category of Perpetrators	UGANET Legal Officers		Local Council Leaders		Legal aid Beneficiaries		Total	
	Frequency	%age	Frequency	%age	Frequency	%age	Frequency	%age
Men	4	21.1	5	26.3	5	26.3	14/19	73.3%
Relatives	1	5.3	1	5.3	2	10.5	4/19	21.1%
Parents	0	0	1	5.3	1	5.3	2/19	10.5%
Step mothers	0	0	1	5.3	1	5.3	2/19	10.5%
Mothers	0	0	1	5.3	1	5.3	2/19	10.5%
Government structures	0	0	0	0	1	5.3	1/19	5.3%

Source: Research Data, May 2012

Table 7 shows that only issues related to men and relatives reach the legal aid officers. However, violations by parents, step-mothers and mothers are handled at home and at the LC level. Such low levels of reporting could be due to fear of rejection by family as a repercussion of reporting a close family member to higher authorities. This has an implication on services offered by UGANET. Perpetrators that are not reported cannot be brought to book and therefore, these perpetrators continue violate the rights of the victims.

Out of a total of nineteen, fourteen (73.3%) respondents named men as perpetrators of human rights violations experienced by legal aid beneficiaries of UGANET. Of these, four (21.1%) were legal officers of UGANET, five (26.3%) were local council leaders while another five (26.3%) were legal aid beneficiaries.

Another category of perpetrators of human rights violations were relatives of the deceased. These were named by 21.1% (4) of the respondents. That was one (5.3%) legal officer, one (5.3%) local council leader and two (10.5%) legal aid beneficiaries.

Parents were named by two (10.5%) respondents as perpetrators of human rights violations. One (5.3%) was a local council leader and another one (5.3%) was a legal aid beneficiary.

Similarly, two respondents mentioned step-mothers as perpetrators of human rights violations. One (5.3%) being a local council leader and another one (5.3%) a legal aid beneficiary.

Two respondents (10.5%) named mothers as perpetrators of human rights violations. One respondent was a local council leader and the other was a legal aid beneficiary.

Only one (5.3%) respondent named government structures as violators of his rights. These government structures were Rapid Response Unit Kireka and Uganda prisons that detained him unlawfully.

4.2 The strategies that UGANET uses to respond to the complaints received from persons living with and affected by HIV

The second objective aimed at obtaining the strategies that UGANET uses to respond to the complaints received from persons living with and affected by HIV. To obtain the strategies that UGANET uses to respond to human rights violations reported by persons living with and affected by HIV, legal aid beneficiaries were asked to describe what UGANET did in response to the human rights violations that they reported. The responses of the legal aid beneficiaries show that UGANET uses legal support and protection as one of the strategies for responding to

complaints of human rights violations received from persons living with and affected by HIV. The legal aid beneficiaries involved in this study received legal support and protection in form of mediation, legal counselling and legal representation. The table below shows the number of legal aid beneficiaries who acknowledged receiving mediation, legal counselling or legal representation in response to the human rights violations that they reported to UGANET.

Table 8: Responses received by UGANET Legal aid beneficiaries for the complaints

Response Received	Frequency	Percentage
Mediation	3	30%
Legal Counseling	4	40%
Legal Representation	3	30%
TOTAL	10	100%

Source: Research data, May 2012

UGANET used mediation to address human rights violations reported by 30% (3) of the legal aid beneficiaries involved in the study. Legal counselling was applied to 40% (4) of the complaints reported by legal aid beneficiaries in the study and another 30% (3) of the beneficiaries obtained legal representation from UGANET in response to the human rights violations that they reported.

Other strategies used by UGANET to respond to complaints of human rights violations were obtained from the documents of UGANET reviewed during the study. UGANET provides legal support and protection, not only from their offices, but also from Anti- Retroviral Clinics where beneficiaries gather for HIV care and treatment. The purpose of this move is to bring the services nearer to the beneficiaries. UGANET uses Research, Advocacy and Policy influencing, to address the root causes of human rights violations against persons living with and affected by HIV. Evidence of human rights violations obtained through legal aid is used as a tool to advocate with members of parliament, concerned government ministries such as Ministry of health, Ministry of Gender and Ministry of Education for increased efforts to support the human rights of persons living with and affected with HIV (UGANET 2011).

UGANET also employs social accountability and policy monitoring programs to address social, structural and institutional factors that hinder access to social protection services by people living with and affected by HIV. Examples of such employed by UGANET include supporting community led actions to prevent gender based violence and promotion of women’s property and inheritance rights in the context of HIV; strengthening the capacity of the Justice Law and Order Sector (JLOS) in understanding the human rights and HIV; increased collaboration with the Uganda Prison Service to address human rights challenges of prisoners in the context of HIV; and increased collaboration with the Ministry of Health (MoH) and health service delivery units to address structural challenges that impede human rights realization for persons living with and affected by HIV (UGANET 2011).

4.3 The effects of UGANET interventions on the beneficiaries

The third objective of the study was designed to examine the effects of UGANET interventions on the beneficiaries. To realize this objective, respondents were asked to explain what UGANET did in response to the human rights violations they reported to UGANET and to mention the change that UGANET’s support brought to their life. The table below presents information on the responses of legal aid beneficiaries on whether UGANET’s support was helpful to them or not.

Table 9: The helpfulness of UGANET support to legal aid beneficiaries

Beneficiaries’ responses	Frequency	Percentage
Yes	10	100
No	0	0
TOTAL	10	100

Source: Research data, May 2012

The responses presented in table 23, show that 100% of the beneficiaries acknowledge that the support given to them by UGANET has been helpful. Out of the ten beneficiaries of UGANET legal aid involved in the study, ten responded affirmatively to the question on whether the support they received from UGANET had been helpful.

Table 10: Responses given by UGANET legal officers on the change noticed

No	Response given	Frequency	Fraction out of 4	Percentage
1.	Less domestic violence	2	2/4	50%
2.	Improved awareness of their Human rights and how to protect them	2	2/4	50%
3.	Land matters are resolved and the client has security on the land	2	2/4	50%
4.	More commitment from the perpetrators	1	1/4	25%
5.	Families have been re-united	1	1/4	25%
6.	Children have been given maintenance	1	1/4	25%
7.	Children who are [HIV] positive have been taken to hospital to access treatment	1	1/4	25%

Source: Research data, May 2012

The responses in the table above were obtained from questionnaires to three legal officers and an interview to one legal officer. The responses show that out of the four legal officers of UGANET involved in the study, two legal officers (50%) realised the ending of domestic violence in the lives of beneficiaries after UGANET legal aid was administered, two legal officers (50%) noted improved awareness of human rights and two legal officers (50%) presented resolution of land matters as a positive change noticed in the lives of UGANET beneficiaries. One legal officer (25%) realised more commitment to change for the better by perpetrators after providing legal aid to the beneficiaries, one legal officer realised the re-union of families, one legal officer (25%) acknowledged that children had been provided with maintenance through legal aid interventions while another one legal officer (25%) noted that HIV positive children had received access to treatment. The responses given by UGANET legal officers indicate that more change is realised in the ending of domestic violence (50%), improved awareness of and protection for human rights (50%) and the resolution of land matters (50%).

Table 11: Responses given by Local council leaders on the change noticed

No	Response given	Frequency	Fraction out of 5	Percentage
1.	Two kids who were lost (4 years & 2 years) because of the parents being careless. After UGANET's intervention, the parent was warned on how to take care of her children and if not, further step will be taken on and from then onwards, the parent is conscious of her kids	1	1/5	20%
2.	The life of the beneficiary has totally changed from being abused and now they enjoy their rights	1	1/5	20%
3.	Families are now in unity because of UGANET's intervention	1	1/5	20%
4.	Now there is a big change in our area because of UGANET concerning children and women's rights	1	1/5	20%
5.	Their life has improved especially in the area of parenting their children	1	1/5	20%
6.	Not aware of what her home is like but she looks alright	1	1/5	20%
7.	She is hard working. She cares for the community. She is an active participant in community affairs, she is well known, and she involves herself in community based self help organisations	1	1/5	20%

Source: Research data, May 2012

There were seven responses given by local council leaders on the change noticed in the life of UGANET Legal aid beneficiaries after receiving support from UGANET. Out of the five local council leaders involved in the study, one local council leader (20%) noted more commitment to change for the better by perpetrators of human rights violations, one local council leader (20%)

noted the ending of domestic violence, one local council leader (20%) acknowledged the re-union of families and one local council leader (20%) noticed improved awareness of and protection for human rights by the beneficiaries of UGANET legal aid.

Improvement in the maintenance of children was observed by one local council leader (20%), another one local council leader (20%) observed that the beneficiary had become active in community affairs while one local council leader (20%) was not aware of the change in the life of the beneficiary as a result of receiving legal aid from UGANET.

Responses given by Legal aid beneficiaries

Table 12: Ending of Domestic Violence

No.	Beneficiaries' responses	Frequency	Fraction out of 10	Percentage
1.	My husband no longer beats me as he used to do. He now buys enough food at home and looks after the children	1	1/10	10%
2.	I am separated from my husband and have more peace and less stress	1	1/10	10%
TOTAL		2	2/10	20%

Source: Research data, May 2012

Two beneficiaries out of the ten engaged in the study referred to the ending of domestic violence as the change realised in their lives after receiving support from UGANET.

Through legal aid, the suffering of beneficiaries has been removed. When legal aid counsels and stops a perpetrator inflicting violence or threatening death to a victim, the service removes the suffering of the victim. HIV is a life limiting illness, therefore removing avoidable suffering from persons living with HIV is a contribution to the improvement of their quality of life. When legal aid makes a negligent father to pay the children's school fees, and provide food, clothing

and shelter for the children and their mother, the service reduces the suffering of the children and the stress suffered by the mother in helplessly seeing her children suffer. In Todaro (2000), the 1991 World Development Report is quoted as having affirmed that a better quality of life encompasses as ends in themselves better education, higher standards of health and nutrition, less poverty, a cleaner environment, more equality of opportunity, greater individual freedom and a richer cultural life. Thus by removing the suffering of beneficiaries, legal aid has contributed to the improvement of their quality of life.

Table 13: Improved Awareness and Protection of Human Rights

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	I was enlightened on the law and human rights	1	1/10	10%
TOTAL		1	1/10	10%

Source: Research data, May 2012

One beneficiary out of the ten engaged in the study mentioned having improved awareness and protection of human rights after receiving support from UGANET.

Table 14: Re-Union of Families

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	Through UGANET, we got back as a happy family and now we are looking forward to wed	1	1/10	10%
2.	I did not expect to get out of prison and I am also happy to re-unite with my family	1	1/10	10%
TOTAL		2	2/10	20%

Source: Research data, May 2012

Two respondents realised the re-union of their families after receiving support from UGANET. One family was re-united after a marital dispute and the other family was re-united after the release of the husband from prison.

By obtaining release of the beneficiaries, usually men who are heads of families, legal aid enables them to be re-united to their families. In the context of the family, these beneficiaries are able to continue supporting each other to continue receiving Anti – retroviral Treatment. This may not be possible when one is in prison or when the family is in crisis. The family is the natural and basic unit of society and is entitled to protection by society and the state (The constitution of Uganda, 1995). This implies that the wellbeing of members of the family is best assured within the context of their own families. Therefore, by restoring the unity of families, legal aid contributes to a better quality of life of the members of those families, especially the children.

Table 15: Maintenance for Children

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	I receive child support	1	1/10	10%
2.	I'm now able to pay rent and to support myself and the child. I am also able to service my loan with proceeds from my business, instead of spending that money to pay school fees.	1	1/10	10%
TOTAL		2	2/10	20%

Source: Research data, May 2012

Two legal aid beneficiaries reported that they obtained maintenance for their children after receiving legal aid from UGANET.

Table 16: Access to Treatment for HIV Positive Children

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	My child is now receiving treatment	1	1/10	10%
TOTAL		1	1/10	10%

Source: Research data, May 2012

One legal aid beneficiary indicated that she realised access to treatment for her HIV positive child, after receiving support from UGANET.

Table 17: No Change Noticed

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	I didn't realize the change because he terribly fell sick and later on died. But before his death, he asked me to forgive him for all the way he was treating me and had realized his mistakes. He had said that when he heals, will never do the same	1	1/10	10%
TOTAL		1	1/10	10%

Source: Research data, May 2012

One legal aid beneficiary indicated that she did not realise a change after receiving UGANET support because her husband who was violating her rights died shortly after she had received legal aid.

Table 18: Ending of Child Abuse

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	My mother and father were given new restrictions on the way we should be treated. My sister was advised to be taken to the village as she wished. I am now happily living at home and my sister is happy in the village.	1	1/10	10%
2.	From then, my mother has never beaten me for a small mistake	1	1/10	10%
TOTAL		2	2/10	20%

Source: Research data, May 2012

Two legal aid respondents indicated that they experienced the ending of child abuse after receiving legal support from UGANET.

Table 19: Custody of Children

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	I received my child back	1	1/10	10%
TOTAL		1	1	10%

Source: Research data, May 2012

One legal aid beneficiary indicated that she regained custody of her child after receiving legal aid from UGANET.

Table 20: Realisation of Inheritance Rights

No.	Beneficiaries' Response	Frequency	Fraction out of 10	Percentage
1.	Now I am able to manage [my husband's estate], my own life and the life of my children.	1	1/10	10%
2.	UGANET gave security to my children's [inheritance] rights	1	1/10	10%
TOTAL		2	2/10	20%

Source: Research data, May 2012

Two legal aid beneficiaries obtained realisation of inheritance rights' after receiving support from UGANET.

In this study, the two beneficiaries whose property and inheritance rights were restored by legal aid were widows who had lost their husbands to HIV (Research data, 2012). The Uganda Gender Policy recognises that gender disparities in rights to property and livelihoods, undermines the future of the country as a whole (The Uganda Gender Policy, 2007). When UGANET legal aid enabled a woman to obtain the right to administer her late husband's estate on behalf of the children, the service protected the property from being grabbed by unscrupulous relatives, it enabled the woman to continue running the family businesses thus making it possible for her to ensure the financial well being of her family (Research data, 2012). In assuring these aspects, legal aid has salvaged a good quality of life for an HIV affected family.

Comparison of Responses from the three categories of Respondents

In the first response in table 10, the legal officers indicate '*Less domestic violence*' as a change noticed in the life of the beneficiaries. This was confirmed by the beneficiary who reported as indicated in table 12 as follows; '*My husband no longer beats me as he used to do. He now buys enough food at home and looks after the children.*'

The realisation of human rights awareness among beneficiaries by legal officers as indicated in table 10 is also echoed by both the local council leaders in table 11 and the beneficiaries in table 13. The local council leader reports as follows; *'The life of the beneficiary has totally changed from being abused and now they enjoy their rights.'* This is reiterated by a beneficiary who reports as follows; *'I was enlightened on the law and human rights.'*

Another positive effect of UGANET legal aid cited by the three categories of respondents in the study was the re-union of families. This was cited by one legal officer, one local council leader and two legal aid beneficiaries as indicated in tables 10, 11 and 14 respectively. Similarly, realisation of maintenance for children was cited by the three categories of respondents in the study as a positive change accruing from UGANET legal aid.

On the issue of access to treatment, two categories of respondents cited it as a positive effect of UGANET legal aid. One legal officer reported that *'Children who are HIV positive have been taken to hospital to access treatment.'* Similarly one legal aid beneficiary reported that *'My child is now receiving treatment.'*

The findings from the study, particularly the coincidence of similar positive statements show that the beneficiaries realised a positive change in their lives after the interventions of UGANET. Nevertheless, as indicated in table 17, one beneficiary noted that she did not realise any change after receiving legal aid from UGANET. She states her case as follows;

'I didn't realize the change because he terribly fell sick and later on died. But before his death, he asked me to forgive him for all the way he was treating me and had realized his mistakes. He had said that when he heals, will never do the same.'

Still, the perpetrator asked for forgiveness from the beneficiary before he died, which in a way can be considered as a positive effect in itself.

4.4 The challenges faced by UGANET in providing legal aid to persons living with and affected by HIV

The final sub-section in this chapter deals with the fourth objective of the study which was designed to assess the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV. To achieve this objective, UGANET legal officers were asked what challenges they faced in providing legal aid to persons living with and affected by HIV. The table below illustrates what UGANET legal officers indicated as challenges faced by UGANET in providing legal aid.

Table 21: Challenges faced by Legal Officers in providing legal aid

Legal Officers' Responses	Frequency	Fraction out of 4	%age
Inadequate funding which affects adequate attendance to cases. In many cases poor clients fail to follow up their cases, others have no money to photocopy documents	2	2/4	50%
Hostility from the perpetrators, they become violent in the office putting the legal officer life in danger	1	1/4	25%
Lack of commitment by clients to the terms in the memorandums of understanding	1	1/4	25%
Some of them die before justice is obtained	1	1/4	25%
Most clients do not keep appointments when it comes to follow up of their cases	3	3/4	75%
The number of lawyers is low compared to the number of clients accessing services. This makes lawyers overworked and limits realisation of clients' expectations.	1	1/4	25%
Record Keeping is a poor culture in our community. So, many times clients come to report with very little recorded evidence to be relied upon. This makes it difficult to help them.	1	1/4	25%

Source: Research data, May 2012

The table above shows that two out of four legal officers (50%) named inadequate funding, as a challenge faced by UGANET. One legal officer (25%) mentioned hostility from the perpetrators as a challenge faced by UGANET in providing legal aid. Yet another one legal officer (25%) mentioned lack of commitment by clients to the terms in the memorandums of understanding as a challenge faced by UGANET in the provision of legal aid.

The fact that some clients die before justice is obtained was named as a challenge to UGANET by one legal officer (25%). Three out of four legal officers (75%) cited as a challenge the fact that most clients do not keep appointments when it comes to follow up of their cases. One legal officer (25%) cited the limited number of lawyers compared to clients served as a challenge to UGANET and one other legal officer (25%) referred poor record keeping as a challenge that UGANET faced in the process of providing legal aid.

Table 22: Challenges faced by community members as indicated by local council leaders

Local Council Leaders' Responses	Frequency	Fraction out of 5	Percentage
People don't know where to go for help	3	3/5	60%
Corruption at the police	2	2/5	40%
The community has not understood human rights. Knowledge of rights helps them to report	1	1/5	20%
Fear of husband and repercussions of reporting	1	1/5	20%
Also actors are afraid to get involved because domestic issues are considered private issues	1	1/5	20%

Source: Research data, May 2012

The local council leaders were asked to name the challenges faced by community members in accessing redress for human rights violations in their communities. Responses to this question were expected to give insight into the difficulties UGANET might face in getting their services

to reach the target beneficiaries and therefore pose a challenge to their work. Table 22 above illustrates the responses given by local council leaders in response to the question on challenges.

Three out of five (60%) local council leaders mentioned that people don't know where to go for help when their rights are violated. Two (40%) local leaders cited corruption by the police as a challenge that prevented community members from accessing redress for human rights violations in the community. One (20%) local council leader noted that community members met a challenge in accessing redress for human rights violations because the community had not understood the concept of human rights thus they did not report human rights violations.

According to one (20%) local council leaders, some community members did not obtain redress for human rights violations because of fear of husbands and the repercussions of reporting these husbands. Fear by local council leaders of getting involved in domestic issues was also cited by one (20%) local council leader as a challenge that prevented community members from accessing redress for human rights violations.

On the part of the legal aid beneficiaries, in order to achieve this objective, they were asked if they faced any challenges in the process of accessing support from UGANET. Those who responded affirmatively were asked to name the challenges they faced. The responses provided to this question by the beneficiaries were expected to highlight the gaps that UGANET had not filled in the provision of their services. These gaps would in turn point towards the challenges that the organisation faced in the provision of their services.

The table below illustrates the responses of the beneficiaries to the question whether they faced any challenges in the process of accessing support from UGANET.

Table 23: On whether beneficiaries faced challenges in the process of accessing support

Beneficiaries' responses	Frequency	Percentage
Yes	3	30%
No	7	70%
TOTAL	10	100

Source: Research data, May 2012

Three (30%) legal aid beneficiaries mentioned that they faced challenges in accessing support from UGANET while Seven (70%) of the beneficiaries noted that they did not face any challenges in accessing support from UGANET. In 2011, UGANET increased integration of legal aid services in broader health and HIV programs. Since then, the organisation carries out legal aid outreaches to Anti-Retroviral Therapy centres, thus bringing legal aid services nearer to people living with and affected by HIV (UGANET, 2011). This explains why 70% of the beneficiaries report no challenges in accessing support from UGANET. Of the three beneficiaries who reported challenges in accessing support, one explains that her challenge was financing her transport to UGANET offices.

The second of the three explains the challenge faced as follows; *'It is because I didn't know about the organisation'* In the case of the third of the three beneficiaries who faced challenges, he reported as follows; *'It took us a long time to know about Aunt Diana [UGANET paralegal] and UGANET'*

The inability of the legal aid beneficiary to finance her transport to UGANET offices coincides with the challenge noted by the legal aid officers. As indicated in table 21, one of the challenges given by legal officers refers to inadequate funding which affects adequate attendance to cases. They note that in many cases poor clients fail to follow up their cases. Failure to raise the money for transport to the UGANET office prevents the clients from following up their cases. This is a challenge to the beneficiaries and to UGANET because it prevents cases from being completed.

Lack of knowledge by beneficiaries of the existence of UGANET is reiterated by three local council leaders in table 22 as a challenge faced in the community. The local council leaders

noted that people do not know where to go for help. This shows that community members are not aware of the existence of UGANET and the services the organisation offers.

Respondents' Recommendations to UGANET

To the challenges mentioned above, the respondents were asked to propose possible solutions. The responses given by the legal officers of UGANET are indicated in the table below;

Table 24: Recommendations to Challenges given by legal Officers

Legal Officers' Responses	Frequency	Fraction out of 4	%age
UGANET needs to set aside enough funds (facilitation) for the legal officers to carryout legal aid since sometimes it entails going to the field to be able to boost their work.	3	3/4	75%
Security for the legal officer	1	1/4	25%
A clear system of following up clients should be put in place	1	1/4	25%
Sensitisation of communities on importance of documentation and record keeping e.g. in land matters and inheritance matters	1	1/4	25%

Source: Research data, May 2012

Three (75%) of the legal officers proposed that UGANET should set aside funds to enable them to make outreaches to the community. One (25%) legal officer proposed the provision of security for legal officers, one (25%) legal officer proposed the establishment of a clear system for following up clients and another one (25%) legal officer proposed sensitisation of communities on good record keeping practices especially in relation to land and inheritance matters.

The table below illustrates the solutions recommended by local council leaders for the challenges faced by UGANET

Table 25 below indicates that five (100%) local council leaders recommended that UGANET should sensitise people in the communities about the organisation's work. Three (60%) local council leaders recommended that community members should be sensitised on human rights by UGANET. One local council leader recommended that UGANET partners with the community

projects, another one local council leader proposed that they be given a list of hospitals that give free ARVs while one other local council leader recommended that UGANET opens offices in their areas.

Table 25: Recommendations to Challenges given by Local council leaders

Local Council Leaders' Responses	Frequency	Fraction out of 5	Percentage
To keep sensitizing people about their work	5	5/5	100%
To keep sensitizing people about human rights	3	3/5	60%
Our projects in the community to partner with UGANET	1	1/5	20%
To be given a list of hospitals that offer ARVs for free	1	1/5	20%
To put their offices in our areas	1	1/5	20%

Source: Research data, May 2012

To obtain recommendations for UGANET from Legal aid beneficiaries, they were asked what more they would have liked to receive in form of support from UGANET in relation to the human rights violation they reported. The responses provided to this question by the beneficiaries were expected to guide UGANET on what aspects to act upon in the provision of their services. The responses are illustrated in the table below;

Table 23: The additional support that legal aid beneficiaries would have liked to receive

Beneficiaries' Responses	Frequency	Fraction out of 10	Percentage
To announce in the villages that these people exist in our areas	4	4/10	40%
I would like them to come and try to [counsel] our parents	1	1/10	10%
To continue representing [me] in court until the case is discharged	1	1/10	10%
Would like to obtain assets from ex-husband with which to support the children, such as a house for residence and an Income generating activity	1	1/10	10%
Would like to obtain more in terms of child support to cater for health and upkeep	1	1/10	10%
I am supposed to co- administer the estate with my in-laws and that is not yet settled	1	1/10	10%
My children are staying with my in-laws. Even though I am free to visit and check on them, I would like to get custody of my children	1	1/10	10%
Maybe opportunities for women empowerment	1	1/10	10%
To imprison the police officers who at times send our cases	1	1/10	10%

Source: Research data, May 2012

Four out of ten (40%) of the legal aid beneficiaries expressed that they would have liked to have UGANET carry out sensitisation in their communities on the existence of UGANET and the services that the organisation offers. One legal aid beneficiary (10%) wished to be included by UGANET in opportunities for women empowerment and another one beneficiary (10%) expressed a wish for UGANET to hold accountable the corrupt police officers who prevent them

from accessing justice. The rest of the beneficiaries expressed a wish to have UGANET follow up their cases to completion.

4.5 Conclusion

The findings presented above show that the legal aid provided by UGANET is a necessary service. However, the lack of knowledge of UGANET's existence by potential beneficiaries is a gap that poses a challenge to UGANET.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0. Introduction

The general objective of this study was to investigate the contribution which legal aid has made to the improvement of the quality of life of persons living with and affected by HIV/AIDS. The investigation was based on the case of Uganda Network on Law, Ethics and HIV/AIDS (UGANET) which is a non- governmental organisation that provides legal aid to persons living with and affected by HIV.

5.1. Summary of Findings

The findings reveal that UGANET registers various human rights violations from people living with and affected by HIV. These include; property grabbing, maintenance, child neglect and abuse, threatening violence, cases for custody, inheritance matters, land disputes, domestic violence and cases of unlawful detention. These rights are mainly violated by men but also by other categories of perpetrators such as relatives of deceased husbands, mothers, step-mothers and government structures such as Rapid Response Unit and Uganda Prisons.

To address the human rights violations reported to by people living with and affected by HIV, UGANET uses the following strategies; legal support and protection in form of mediation, legal counselling and legal representation. The legal support and protection services are provided both at UGANET offices and at Anti- Retroviral clinics. UGANET uses Research, Advocacy and Policy influencing, to address the root causes of human rights violations against persons living with and affected by HIV. Evidence of human rights violations obtained through legal aid is used as a tool to advocate with members of parliament, concerned government ministries such as Ministry of health, Ministry of Gender and Ministry of Education for increased efforts to support the human rights of persons living with and affected by HIV. UGANET also employs social accountability and policy monitoring programs to address social, structural and institutional

factors that hinder access to social protection services by people living with and affected by HIV (UGANET 2011).

The study found out several positive aspects of the contribution made by legal aid to the improvement of quality of life. The provision of legal aid has made possible the re-union of families that would otherwise have fallen apart. Legal aid achieves this not only through mediation in cases of domestic violence, but also through legal representation of people unlawfully detained. Through legal aid, UGANET has reduced and also ended domestic violence in the lives of beneficiaries. Legal aid has ensured the recovery of property for mostly women beneficiaries by enforcing property and inheritance rights and legal aid contributed to making beneficiaries aware of their rights and able to protect those rights.

The challenges that UGANET faces in the provision of their services are; inadequate funding to manage the activities of the organisation, hostility of perpetrators to the legal officers, lack of commitment by clients to the terms in the memorandums of understanding which makes interventions fail. Some clients die before justice is obtained and most clients do not keep appointments when it comes to follow up of their cases. The number of lawyers is limited compared to the ever increasing number of clients served. There is poor record keeping by clients particularly in land and inheritance matters and there is lack of knowledge among community members about UGANET and the services the organisation offers. People in communities have not understood the concept of human rights thus they do not report human rights violations. Beneficiaries are so poor that they cannot finance their own transport costs to UGANET offices to obtain services.

5.2. Conclusion

After three decades of addressing the HIV and AIDS epidemic in Uganda, people living with and affected by HIV still suffer human rights violations. These violations occur both at community level and at household level. Violations occurring at household level are seldom reported to legal aid centres like UGANET, but are handled at the household or local council levels.

UGANET has made a great effort to make their services reach people living with and affected by HIV. The legal protection services are not only provided at UGANET offices, but also at Anti-Retroviral Therapy clinics. The employment of issues arising from provision of legal aid to inform the organisations advocacy agenda is also a best practice.

The Legal aid does indeed contribute to the improvement of the quality of life of people living with and affected by HIV. Evidence from the effects of legal aid provided by UGANET shows that the life of beneficiaries significantly improved for the better after receiving legal aid.

The Uganda National Strategic plan recognises the violation of human rights as one of the drivers of HIV and AIDS (UAC, 2007). As such, any efforts towards combating human rights violations in the context of HIV contributes to the removal of the harsh effects of AIDS and the improvement of the quality of life of people living with and affected by HIV.

As highlighted earlier, the two beneficiaries whose property and inheritance rights were restored by legal aid were widows who had lost their husbands to HIV (Research data, 2012). The Uganda Gender Policy recognises that gender disparities in rights to property and livelihoods, undermines the future of the country as a whole (The Uganda Gender Policy, 2007). When UGANET legal aid enabled a woman to obtain the right to administer her late husband's estate on behalf of the children, the service protected the property from being grabbed by unscrupulous relatives, it enabled the woman to continue running the family businesses thus making it possible for her to ensure the financial well being of her family (Research data, 2012). In assuring these aspects, legal aid has salvaged a good quality of life for an HIV affected family.

The contribution of women to development in Uganda cannot be underestimated. Snyder (2000) argues that women, who are mostly employed as farmers, merchants and entrepreneurs are critical to Uganda's economic growth because they reproduce the labour force both as mothers and increasingly as providers of a significant portion of the total family income that is food, shelter, health and education.

From her studies, she reflects that women's contribution to the total income in a 2- spouse household is estimated as 50 percent of total income and 100 percent of total income in households where women are the sole providers. She notes that the income provided by women is in form of produce and cash (Snyder, 2000: 10-11). This is an important aspect in terms of contribution to quality of life. A study done by Siddique (1998) in Bangladesh shows that although poverty is prevalent amongst men as well as women, far more women suffer from poverty due to their low socio-economic status. In his abstract, Siddique notes that social customs and religious beliefs play a dominant role in shaping a society's attitudes towards women. An important point that Siddique notes in his abstract is that at the household level, the status of women varies significantly between educated and uneducated, between employed and unemployed, and between rural and urban women. This situation is similar in developing nations such as Uganda. Legal aid has made a significant contribution in realising the inheritance rights of these women living with HIV.

The focus on women's participation in managing their own resources is important because women's economic activity makes a difference in the alleviation of poverty, therefore leading to an improved quality of life. In one of the works of Snyder (2000) she argues as follows;

Women's preferential investment in nutrition, and schooling of the young, and their capacities to manage businesses when access to resources is equitable – as demonstrated in this study, confirm that poverty cannot and will not be eliminated without them. (Snyder, 2000:11)

Having observed such an illustration by Snyder (2000), UGANET's legal Aid has indeed contributed to the improvement in quality of life of its beneficiaries.

In the preface to a book by Snyder (2000), Professor Kwesiga comments on women as follows;

“One of the Myths this volume casts doubt upon is the claim that women specific projects do not easily change women's lives. ... In dispelling the view that Ugandan woman are not entrepreneurs in their own right, the author not only illustrates the extent to which they fund their families' well being but also confirms that all of them aim 'beyond cabbage and tomatoes.' (Kwesiga in Snyder, 2000: xix – xx)

In her study, Snyder challenges entrepreneurs to influence economic decision making bodies where they are not represented and challenges Ugandan based activists and researchers to hasten their pace of publishing in this and other important sectors, especially the public sector, where women decision makers could reinforce women's economic work (Kwesiga in Snyder, 2000: xx).

In helping these women to realise their rights, UGANET intended not only to return their property but also to focus on promoting personal development among the women. The idea behind this was to address the problem of lack of perspective and very low self esteem caused by the discrimination and marginalisation that these women have faced in their communities. Human development enables the women to acquire initiative for a self – determined life.

Burkey, (2002) looks at human or personal development as a process by which an individual develops respect and becomes more self confident, self – reliant, cooperative and tolerant of others through becoming aware of his or her shortcomings as well as his or her potential for

positive change. This takes place through working with others, acquiring new skills and knowledge and active participation in the economic, social and political development of their economy (Burkey 2002: 35-36).

UGANET is has also proved its ability in providing child friendly legal aid services. Child-friendly legal aid is the provision of legal assistance to children in criminal, civil and administrative proceedings that is accessible, age appropriate, multi-disciplinary, effective, and that is responsive to the range of legal and social needs faced by children and youth. Child-friendly legal aid is delivered by lawyers and non-lawyers who are trained in children's law and child and adolescent development, and who are able to communicate effectively with children and their caretakers. International and regional conventions, declarations, and rules contain references to states' obligations to provide legal assistance to children. These normative instruments, however, are written in general terms and generally do not discuss the unique attributes and needs of child clients, nor the skills that legal assistance providers must have in order to effectively deliver child-friendly legal aid. This paper focuses on the link between emerging research on child and adolescent development and the importance of structuring legal assistance schemes in ways that take into account children's developmental immaturity and their evolving capacities over the span of childhood (UNICEF, 2010).

Core components of child-friendly legal aid include issues of access, service delivery and quality control. An important part of this discussion is how best to promote high quality, developmentally-appropriate and free legal assistance in the context of developing countries that face significant financial and logistical challenges.

In its most distilled version, the term "child-friendly legal aid" refers to the right of a child under the age of 18 to receive competent, timely, and developmentally appropriate legal assistance in connection with a civil, criminal, or administrative proceeding in which the child's rights or interests are at stake. For purposes of this paper, a more comprehensive and functional definition is: the provision of legal assistance to children that is accessible, age appropriate, multidisciplinary, effective, and that is responsive to the range of legal and social

needs faced by children and youth. Child friendly legal aid is delivered by lawyers and non-lawyers who are trained in children's law and child and adolescent development, and who are able to communicate effectively with children and their caretakers(UNICEF, 2010)..

The term “age-appropriate” incorporates the key concept that the provision of legal assistance must be sufficiently flexible to take into account a child's evolving capacity and right of participation over the course of childhood and adolescence. The term “legal aid” is defined broadly to include “legal advice, assistance, representation, education, and mechanisms for alternative dispute resolution.” Under this expansive definition, legal aid is not dependent on a lawyer, includes community-level work, and incorporates traditional mechanisms for the provision of assistance (UNICEF, 2010).

HIV remains high among the national development agenda priorities and, through the multisectoral approach, all government sectors are urged to effectively mainstream and scale-up HIV/AIDS programmes in their respective constituencies. Uganda AIDS Commission, is committed to strengthen the coordination and management of the national response, monitor and track the utilisation of all resources to ensure value addition of HIV funding to national development. Mainstreaming Gender, Sexual, Reproductive Health and Rights will be crucial and enable strategic positioning to address the phenomena of high discordance rates, the vulnerability of women and the observed increasing new infections within marriage. Deepening the response at Local Government level is expected to translate into improved access and utilisation of services and will result from better and stronger governance and implementation modalities, an enhanced role of the Ministry of Local Government, effective mainstreaming of HIV in all sectors and strategic engagement of Civil Society (UAC 2007). UGANET can partner with Uganda AIDS Commission to ensure that they receive government support for legal aid services.

The poor and vulnerable often have very limited knowledge of their rights and legal procedures and this increases their suffering. According to the Danish Institute for Human Rights (2011), giving people knowledge that they have rights under the law and how to exercise them gives them confidence and empowers them to solve legal problems without recourse to the courts.

It is no wonder that two beneficiaries of UGANET involved in this study recognised as a benefit to their lives, the fact that UGANET legal aid made them aware of their rights, so they were enabled to defend those rights (Research data, 2012). By keeping the violation of rights at bay, they enable themselves and other people living with HIV, to obtain what they are entitled to and to enjoy their rights in the community.

According to Cameron (2009), countries and communities that have made best progress in combating the harsh effects of AIDS are those where networks of people living with HIV and affected communities have known their legal and human rights and have been able to assert them. Legal aid provided by UGANET has enabled people living with and affected by HIV to assert their rights. By so doing, they have been able to improve their quality of life.

The gap however in the contribution of legal aid to improvement of quality of life is that many of the people who need legal aid are neither aware of their rights nor of the existence of UGANET as a legal aid service providers (Research data, 2012). Without awareness of their rights, the indigent will not seek to protect these rights. And if they are not aware of the existence of legal aid service providers, they cannot access legal aid.

From the research data, the dying of clients before justice is obtained was cited as a challenge that UGANET faced. This challenge could be blamed on the slow justice process in Uganda (Danish Institute for Human Rights, 2011). The blame for this could also be laid on the fact that due to ignorance of where to go for help, victims of violations suffer for a long time before they access legal aid. They arrive to the legal aid clinic worn out by the problem and soon die before justice is obtained.

5.3. Recommendations

Violations of human rights occur due to ignorance of rights and ignorance of the law. It is therefore recommended to Uganda's Ministry of Education to include a basic course on human rights and the law in the curriculum of primary and secondary schools. This will enable the grooming of Uganda's citizens in the respect and protection of human rights of all persons. The basic course in human rights could be incorporated in Social Studies (SST) in primary schools and in General Paper (GP) in secondary schools.

UGANET should expand their legal protection and support services to include home visits by Legal officers to beneficiaries who cannot raise transport costs to UGANET office to follow up their cases. This will reduce the backlog of cases not followed up by beneficiaries. A clear system of following up cases should also be put in place. This will prompt those beneficiaries who can afford to report to UGANET offices to follow up their cases.

The ministry of finance should provide funds for the implementation of the Domestic Violence Act (DVA). The findings of the study show that fourteen out of nineteen (73.7%) respondents named domestic violence as a human rights violation registered or faced. This shows a high incidence of domestic violence in the communities. One of the major challenges to addressing domestic violence in communities is ineffective implementation of legal instruments that can address the vice. The ineffective implementation of the law on domestic violence is linked to resource constraints. In the different institutions mandated by the DVA to address domestic violence such as police, courts, health facilities, and schools, there is limited funding or no funding at all for domestic violence (Kasirye, 2012). The provision of funds by ministry of finance would enable mandated institutions to apprehend perpetrators of domestic violence and thereby reduce the incidence of human rights violations in the community.

Given that legal aid is such a necessary service for persons living with and affected by HIV, and given that findings from the study show that many from this category of people are not aware of the existence of legal aid service providers, it is recommended to the advocacy department of UGANET to raise awareness of their existence among the indigent. This awareness raising could

be combined with community sensitisation on human rights in general and the rights of persons living with and affected by HIV in particular. By so doing, UGANET will make their services known to their target beneficiaries who are ignorant of their existence.

International standards relevant for the provision of legal aid demand that governments of countries take on a central role in providing legal aid to the poor and vulnerable (Danish Institute for Human Rights, 2011). It is therefore recommended to Uganda's Ministry of Justice to make quality legal aid accessible for all poor and vulnerable citizens in the country, and particularly for persons living with and affected by HIV. Whereas non- governmental organisations can be limited from reaching the entire country, the Ministry of Justice is better placed to work through the already established judicial structures such as magistrate's courts to provide legal aid for the indigent.

Uganda being a developing country implies that funding for social services such as legal aid cannot be sufficient. It is therefore recommended to donors interested in mitigating the effects of HIV/AIDS, to consider funding legal aid for persons living with and affected by HIV. Through funding legal aid, Donors can contribute to the improvement of the quality of life of persons living with and affected by HIV.

In order to expand their number of lawyers, it is recommended to UGANET's human resource department expand its resource base and finance more staff lawyers for the organisation. For example, instead of relying exclusively on donor funding, the organisation could carry out some enterprise activities such as consultancies, and capital investments to generate income that will finance the organisation's non-profit activities.

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APPENDICES

APPENDIX I: QUESTIONNAIRE FOR UGANET LEGAL OFFICERS

Dear Respondent,

My name is Asio Angela Jemima Etochu, a student at Uganda Martyrs University pursuing a Masters Degree in Development Studies. As a basic requirement for the completion of the programme, I am carrying out research on the topic entitled; An investigation of the contribution of legal aid to the improvement of quality of life of people living with and affected by HIV: the case of Uganda network on law, ethics and HIV/AIDS (UGANET)

You have been chosen because you are a legal officer directly involved in the provision of legal aid to UGANET clients. It is hoped that the information that you will provide will be of great importance to the researcher. The information you will provide will be treated with utmost confidentiality and will only be used for the purpose of the study. Thank you.

SECTION A: Establishing the kind of complaints of human rights violations that UGANET registers from persons living with and affected by HIV

1. What kind of human rights violations are commonly reported to UGANET by clients?

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.....
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2. Who are the most common perpetrators of human rights violations?

.....

3. What is the approximate number of incidents of human rights violations that UGANET registers per month?

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SECTION B: Examining the effects of UGANET interventions on the beneficiaries

1. Do you get feedback from beneficiaries after their cases have been concluded?

Yes No

2. What strategies do you use to follow up on clients after their cases have been concluded?

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1. What changes have you noticed in the beneficiary's life as a result of UGANET interventions?

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SECTION C: Assessing the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV

1. What challenges are faced by UGANET in providing legal aid to persons living with HIV?

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2. What are the possible solutions that could help to address these challenges?

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Thank you

APPENDIX II: KEY INFORMANT INTERVIEW GUIDE FOR UGANET LEGAL OFFICERS

Dear Respondent,

My name is Asio Angela Jemima Etochu, a student at Uganda Martyrs University pursuing a Masters Degree in Development Studies. As a basic requirement for the completion of the programme, I am carrying out research on the topic entitled; An investigation of the contribution of legal aid to the improvement of quality of life of people living with and affected by HIV: the case of Uganda network on law, ethics and HIV/AIDS (UGANET)

You have been chosen because you are a legal officer directly involved in the provision of legal aid to UGANET clients. It is hoped that the information that you will provide will be of great importance to the researcher. The information you will provide will be treated with utmost confidentiality and will only be used for the purpose of the study. Thank you.

Part 1: Establishing the kind of complaints of human rights violations that UGANET registers from persons living with and affected by HIV

1. What kind of human rights violations are commonly reported to UGANET by clients?
2. Who are the most common perpetrators of human rights violations?
3. What is the level of reporting of human rights violations to UGANET?

Part 2: Examining the effects of UGANET interventions on the beneficiaries

1. Do you get feedback from beneficiaries after their cases have been concluded?
2. What strategies do you use to follow up on clients after their cases have been concluded?

3. What changes have you noticed in the beneficiary's life as a result of UGANET interventions?

Part 3: Assessing the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV

1. What challenges are faced by UGANET in providing legal aid to persons living with HIV?
2. What are the possible solutions that could help to address these challenges?

Thank you

APPENDIX III: QUESTIONNAIRE FOR LC1 CHAIRPERSON

Dear Respondent,

My name is Asio Angela Jemima Etochu, a student at Uganda Martyrs University pursuing a Masters Degree in Development Studies. As a basic requirement for the completion of the programme, I am carrying out research on the topic entitled; "An investigation of the contribution of legal aid to the improvement of quality of life of people living with and affected by HIV: the case of Uganda network on law, ethics and HIV/AIDS (UGANET)"

You have been chosen because you are an LC1 Chairperson of an area where a beneficiary of UGANET legal aid lives. It is hoped that the information that you will provide will be of great importance to the researcher. The information you will provide will be treated with utmost confidentiality and will only be used for the purpose of the study. Thank you.

Part 1: Establishing the kind of complaints of human rights violations that UGANET registers from persons living with and affected by HIV

1. Do human rights violations occur in your area of jurisdiction?

Yes No

2. What kind of human rights violations commonly experienced in their area?

- a) Domestic Violence
- b) Child Neglect
- c) Violation of Property rights
- d) Violation of Inheritance rights
- e) Others (Specify)

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3. Who are the most common perpetrators of human rights violations in the area?

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4. Do community members report human rights violations to your office?

- Yes No

5. Where else, do community members report human rights violations, apart from the LC 1 office?

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Part 2: Examining the effects of UGANET interventions on the beneficiaries

1. Do you know UGANET's beneficiary?

- Yes No

2. If yes, are you aware of the human rights violation that the beneficiary experienced?

- Yes No

3. Please comment on the life of the beneficiary as you have observed him/her in the community.

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Part 3: Assessing the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV

1. What challenges are faced by community members in accessing redress for human rights violations in your community?

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2. What recommendations do you have for actors like UGANET to improve their services?

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Thank you

APPENDIX IV: KEY INFORMANT INTERVIEW GUIDE FOR LC1 CHAIRPERSON

Dear Respondent,

My name is Asio Angela Jemima Etochu, a student at Uganda Martyrs University pursuing a Masters Degree in Development Studies. As a basic requirement for the completion of the programme, I am carrying out research on the topic entitled; An investigation of the contribution

of legal aid to the improvement of quality of life of people living with and affected by HIV: the case of Uganda network on law, ethics and HIV/AIDS (UGANET)

You have been chosen because you are an LC1 Chairperson of an area where a beneficiary of UGANET legal aid lives. It is hoped that the information that you will provide will be of great importance to the researcher. The information you will provide will be treated with utmost confidentiality and will only be used for the purpose of the study. Thank you.

Part 1: Establishing the kind of complaints of human rights violations that UGANET registers from persons living with and affected by HIV

1. Do human rights violations occur in your area of jurisdiction?
2. What kind of human rights violations commonly experienced in their area?
3. Who are the most common perpetrators of human rights violations in the area?
4. What is the level of reporting of human rights violations in your community?
5. Where else, do community members report human rights violations, apart from the LC 1 office?

Part 2: Examining the effects of UGANET interventions on the beneficiaries

4. Do you know UGANET's beneficiary?
5. Are you aware of the human rights violation that the beneficiary experienced?
6. Have you noticed any change in the life of the beneficiary in the recent past?

Part 3: Assessing the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV

3. What challenges are faced by community members in accessing redress for human rights violations in your community?
4. What recommendations do you have for actors like UGANET to improve their services?

Thank you

APPENDIX V: QUESTIONNAIRE FOR UGANET LEGAL AID CLIENTS

Dear Respondent,

My name is Asio Angela Jemima Etochu, a student at Uganda Martyrs University pursuing a Masters Degree in Development Studies. As a basic requirement for the completion of the programme, I am carrying out research on the topic entitled; An investigation of the contribution of legal aid to the improvement of quality of life of people living with and affected by HIV: the case of Uganda network on law, ethics and HIV/AIDS (UGANET)

You have been chosen because you are a beneficiary of UGANET legal aid who has expressed willingness to participate in this research. It is hoped that the information that you will provide will be of great importance to the researcher. The information you will provide will be treated with utmost confidentiality and will only be used for the purpose of the study. Thank you.

SECTION A: Bio data (Optional)

Name: (Optional)

Area of Residence.....

Sex (Tick appropriate)

Male Female

Marital Status (Tick the appropriate)

Single Married

Age: (Please tick the appropriate)

16-18 18-25 26 – 35 36 and above

Education Level attained

Primary Secondary Tertiary University Other (Specify)

SECTION B: Establishing the kind of complaints of human rights violations that UGANET registers from persons living with and affected by HIV

1. Have you ever experienced any human right violation in your life?

Yes No

2. If yes, what kind of human right violation have you experienced? (Tick appropriate box)

- a) Domestic Violence
- b) Child Neglect
- c) Violation of Property rights
- d) Violation of Inheritance rights
- e) Others (Specify)

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3. Who violated your rights?
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4. Have you ever reported the human rights violations you experience(d)?

Yes No

5. If yes, where did you report the human rights violations you experience(d)?
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6. Why did you choose the organisation/Institution in 5 above for support?
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SECTION C: Examining the effects of UGANET interventions on the beneficiaries

1. Have you ever received legal aid from UGANET?

Yes No

2. If yes, when did you receive legal aid from UGANET?

2008 2009 2010 2011

3. What did UGANET do in response to the human rights violation that you reported?
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4. Was UGANET's response helpful to you?

Yes No

5. If yes, what change did UGANET's support bring to your life?

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SECTION D: Assessing the challenges faced by UGANET in providing legal aid to persons living with and affected by HIV

1. Did you face any challenges in the process of accessing support from UGANET?

Yes No

2. If yes (above), what challenges did you face?

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3. Were your expectations at the time of reporting fulfilled by UGANET?

Yes No

4. What more would you have liked to receive in form of support from UGANET in relation to the human right violation you reported?

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Thank you

APPENDIX VI: DOCUMENTARY REVIEW GUIDE

1. UGANET Constitution
2. UGANET Strategic Plan

APPENDIX VII: BUDGET ESTIMATE

ACTIVITY	ITEM	AMOUNT / UNIT	UNIT COST (UGX.)	TOTAL COST (UGX.)
Literature Review	Transport	5 Ways	5,000	25,000
	Books	10 Books	30,000	300,000
	Airtime	5 times	5,000	25,000
Sub-Total				350,000
Drafting Research Instruments	Stationery	Various	10,000	10,000
	Cartridge	1 piece	90,000	90,000
Sub-Total				100,000
Data Collection	Recorder batteries	3 pairs	10,000	10,000
	Transport	5 Ways	10,000	50,000
	Airtime	10 times	5,000	50,000
Sub-Total				110,000
Inflationary hedge (10%)				65,000
GRAND TOTAL:				625,000

APPENDIX VIII: WORK PLAN

ACTIVITY/MONTH	July to December 2011						January to July 2012						
	7	8	9	10	11	12	1	2	3	4	5	6	7
Proposal Writing													
Drafting Instruments													
Literature Review													
Peer Review													
Data Collection													
Data Analysis													
Report Writing													
Rough Draft													
Hard Draft													