



JUSTICE LAW AND ORDER SECTOR

JLOS PROGRESS REPORT PRESENTED TO THE TWELFTH JOINT GOU/DONOR REVIEW

JUNE 2007

**Ministry of Justice and Constitutional Affairs
Ministry of Internal Affairs
The Judiciary
Uganda Police Force
Uganda Prisons Service
The Judicial Service Commission
The Directorate of Public Prosecutions
The Uganda Law Reform Commission
Ministry of Local Government – Local Council Courts
Ministry of Gender, Labour and Social Development – Probation Services**

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CHAPTER ONE – INTRODUCTION

The Justice Law and Order Sector (JLOS) progress report shows progress in the reform program from July 2006 to May 2007. It combines progress on interventions during the year with the cumulative impact of the ongoing reforms. The analysis of progress across the entire sector is informed by data obtained from the institutions that implement the activities and from the sector wide baseline and follow up survey. Unlike previous reports, the sector wide and institutional indicators will form the basis for measuring progress in this report.

The sector during the year strengthened the capacity of institutions to deliver their services countrywide and in a more efficient way. Interventions included de-concentration of presence and services with special emphasis on conflict affected areas. Staff and officers were recruited and deployed while equipment and tools necessary to facilitate service delivery were provided. As a way of improving the efficiency of service delivery, innovative options e.g. use of non custodial sentences and alternative dispute resolution methods were used to increase the speed of service delivery and to meet set performance standards. Measures were also taken to empower the public to demand and enforce their rights in the justice system through civic education and provision of legal aid to suspects of capital offences.

The sector strategic interventions focus on four areas of justice. In the **criminal justice** system, these interventions will improve justice delivery, enhance responsive to crime and prevent crime for public safety and security. In addition to the benefits from the criminal justice system, interventions to strengthen the regulatory framework for doing business are the priorities under **commercial justice**. In order to identify priorities and sequenced interventions in **family and land justice**, the sector embarked on an integrated study in these areas; although some interventions in the criminal and commercial justice areas also impact on the family and land justice because the systems are interrelated.

In this progress report, we also raise issues that require actions. For examples,

- The sector and its development partners need to carefully consider appropriate and sustainable options to address the inadequate resources in the sector to meet its core obligations, rather than adopt easier options that may yield quick wins that may not be sustainable.
- Although the SWAp, presents an overview of all available resource to the JLOS in a predictable and less fragmented way, actual disbursements of the SWAp funds from the Ministry of Finance have been delayed, unstable and to an extent unpredictable for the JLOS to implement its activities in a timely manner. This impacts on satisfactory implementation of the planned activities especially now that there is uncertainty that the funds will be rolled over to the next financial year.
- Institutions are not able to provide accurate or reliable data in a timely manner. It points to the need for improvements in data management and establishment of internal periodic reporting mechanisms within institutions. If the performance assessment framework of the JLOS is to bear relevance as a basis for measuring progress, management information systems must be strengthened.

- Progress and decisions at sector level are not always matched with practices within institutions; hence slowing down the pace of reforms at institutional level. In order for institutions to manage the reforms for results, increased knowledge and appreciation of the sector wide reforms is necessary to foster ownership on one hand, and sustainability of the reforms through identification of change agents who become allies in the reform on the other.

Increasing the impact of the reforms means that in addition to the concrete improvements, disparities and the above concerns must be raised in the report to form the basis for dialogue between JLOS and its partners and stakeholders in identifying options and solutions. Therefore, the report specifically includes the Physical Performance in Chapter Two, Financial Performance in Chapter Three, Progress against the Undertakings in Chapter Four and Challenges and Recommendations on practice and policy in Chapter Five.

CHAPTER TWO – PHYSICAL PERFORMANCE

Within the SIP II framework, progress will be analysed by illustrating achievements from interventions under each Key Result Area for reform. The impact of these achievements will be demonstrated through analysis of the sector wide survey findings. Therefore the progress registered by the sector over the year has been measured based on the indicators.

2.1. Promote Rule of Law and Due Process

2.1.1. Key laws Initiated by the JLOS that are enacted

The rule of law calls for the sector to make available updated laws and to ensure that these laws and defined processes are respected. In 2002, the public identified various laws for reform to ensure equal treatment before the law, amendment of the law on defilement and a law on domestic relations. The private sector prioritized commercial laws to enhance the regulatory framework for doing business, while the concern for the legal profession was largely on procedural laws and the need to strengthen rules for enforcement of judgments.

To achieve this, the sector took forward the law reform processes of several prioritized commercial bills as well as other criminal and family justice related bills. Fast tracking measures were adopted to expedite the process. For example, a meeting was held with the Legal and Parliamentary Affairs Committee to fast track the debate and enactment of the criminal and family justice bills. Efforts were also laid on drafting the commercial bills with support from legislative drafting experts to ensure that the bills were ready for Cabinet approval. This has resulted into enactment of 4 bills into law, 4 other bills are under consideration by Parliament and 10 others have been approved by Cabinet and are yet to be tabled before Parliament as illustrated below.

- **Laws enacted:** The Penal Code (Amendments) Act 2007 and the Magistrates Court (Amendment) Act 2007 will address case backlog in the Judiciary and congestion in prisons because the Chief Magistrates now have jurisdiction to try suspects of defilement who comprise over 32% of the remand population in prisons. A Statutory Instrument has also been proposed to increase the Chief magisterial areas from 27 to 39 in anticipation of a 36% increase in the case load comprising existing cases against suspects of defilement who have not been committed to the High Court. The Copyrights and Neighboring Rights Act 2006 was also enacted to protect artists and composers against exploitation and piracy, while the Judicature (Amendment) Act 2007 will increase the numbers of Judges available at the Supreme and Court of Appeal.
- **Bills under consideration by Parliament** include the Law Revision Fines in Criminal Matters Bill, the Mortgages Bill, the Trial on Indictment (Amendments) Bill, the Trade Secrets Protection Bill.
- **Bills that have been approved by Cabinet** but await Cabinet authority for publication before they are tabled in Parliament include the Partnership Bill, the Geographical Indications Bill, The Industrial Property Bill, the Insolvency Bill, the Chattel, Securities Bill, the Company Bill, the Trade and Service Marks Bill, the Contracts Bill, Amendment of Capital Markets Bill and the Counterfeit Bill. The Sexual Offences bill is also before Cabinet.

- **Completed studies:** Studies were conducted including public consultation on Domestic Violence and Detention of Civil Debtors to inform the principles that will underpin the proposed laws. The studies were completed and reports finalized. The proposals drawn from the studies will during FY2007/08 be tabled for Cabinet approval.
- **Ongoing consultations:** Studies in other prioritized and key areas for law reform are ongoing. These include HIV/AIDS, Drug and Human Trafficking, Torture, Insurance Services, Landlord-Tenant Relations, Codification of Trusts, Leasing Law and Regulation of Copyrights. The consultations which are part of the review of the Children's Act are also ongoing.

2.1.2. Increase in access to updated laws and case precedents

As a way of enhancing due process, the sector interventions are to update and revise laws, and make them available and accessible. The sector has sent the 2001-2004 revised principal laws for publication. The sector has since 2003 focused on making these laws available to judicial officers, officers and users of court; and beginning with next financial year, copies of the Grey Book will be available to JLOS institutions at no cost. In the reporting period, 50 sets of revised laws were provided to the Judiciary and State Attorneys in the DPP and the MoJCA. The revised laws have also been posted on the ULRC website. This has translated to:

- **61% of the legal practitioners and 44% of the business community having access to updated laws.** However, there are still significant differences in access levels to updated laws across the categories, with only 17% of the public having access to them. The sector is still challenged to increase access levels for the public.

The sector strategy to enhance due process includes making available updated and unified law reports. This will be achieved through a strategy to publish and disseminate them to the judicial officers and officers of court such as lawyers including legal aid service providers. Currently **94% of lawyers including legal aid service providers have access to case precedents** which they obtain largely by purchasing from private firms that compile them. The purchase of a printing press will enable the LDC to periodically publish law reports for dissemination to the targeted groups.

2.1.3. Percentage of the public that perceive the Judicial System to be Independent

The manner in which the justice agencies discharge their responsibilities impacts on public perception on the independence of the judicial system. In addressing threats to the independence of the judicial process, the Judiciary challenged external pressures which were supported by other stakeholders to ensure respect of the rule of law, and the Judiciary continued to discharge its functions independently. The Judiciary also adopted a proactive approach by establishing a public relations office to provide feedback and improve its image. 500 judicial and non judicial offices were trained at the Judicial Studies Institute. This collective action has resulted in

- **High perceptions of independence of the judicial system** by 64% of the public, 63% of the legal profession and 80% of ex convicts.

2.1.4. Ethics and Accountability in JLOS institutions Enhanced

Central to the sector serving the public, is the need to strengthen accountability and ethics in the sector institutions through internal disciplinary mechanisms. This will also contribute to reduction in incidences of bribery. The sector strategy is to increase the disposal rate of registered complaints to reduce backlog and hence increase public confidence in established public complaints systems. Within the year, the Judicial Service Commission (JSC) registered 294 complaints from 40 centers countrywide involving concerns in the administration of justice. Of these, 72 were completed, 133 are still being heard, 8 await decision and 15 cases were referred to appropriate institutions and the rest are under investigation. The disposal rate of complaints by the JSC now stands at 25%. At the Law Council where legal practitioners are held accountable for unethical behavior, 27% of the back logged complaints were disposed. There is still need to improve the performance of the complaints mechanisms at the JSC and the Law Council; and to ensure that other institutions with complaints mechanisms report regularly on their performance.

The sector institutions have initiated anti corruption strategies to also improve accountability which is expected to translate into both reduction in incidences of bribery and corruption. For example, JSC is working on a proposed JLOS specific anti corruption strategy for approval by the sector. The Judiciary has published anti corruption literature to empower the public and users to challenge corrupt practices, while the Inspectorate of Courts also carries out periodic inspections of magisterial areas. These initiatives have resulted into

- **A significant decrease in the percentage of the public indicating that they had paid a bribe for services** within the sector. According to the survey, there has been a reduction in incidence of bribery from 15.7% in 2002 to 4% in 2007 at the Magistrates Courts level and from 59% in 2002 to 48% in 2007 for the Police Force. Unlike other institutions, there was an increase in the incidence of bribery at the Local Council Courts from 27.5% in 2003 to 37% in 2007.

The survey established that there are low incidences of reporting bribery averaging at 10% partly because bribery is perceived as the norm and because the public see it as an option for getting away with a wrong. The survey also established high perceptions of corruption in the sector. This means that the sector will in the coming year have to adopt anti corruption strategies to address this from within the institutions but also amongst the general public.

2.2. Foster a Human Rights Culture across JLOS Institutions

2.2.1. Levels of human rights violations by JLOS institutions by Type

This financial year, the sector undertook to raise human rights awareness of the uniformed officers. For example, weekly morning staff parades were used to conduct human rights awareness programs in all prisons units for both offenders and staff. Human Rights Committees have been revitalised and operationalized in all prisons units to strengthen internal accountability for human rights abuse among staff.

The sector also implemented activities to address specific human rights concerns such as poor conditions of detention that subject suspects and prisoners to cruel, inhuman and degrading treatment; as well as poor living conditions of staff. The following achievements have been registered during the year:

- **Respect of rights of children:** Juvenile cells have been constructed in Kitgum, Pader, Katakwi and Kabermaido which will prevent the Police from holding juveniles with adult offenders. However, the absence of juvenile cells in the majority of the districts remains a challenge to the sector in promoting juvenile justice.
- **Improvement in living conditions of staff:** To improve staff living conditions for police and prisons, low cost houses have been constructed in Namalu Prison and those in Ibugu Prison almost completed. Construction of houses will commence in June in Nakapiripit, Kiira, Kajansi and Kisoro to accommodate Police officers; and in Luzira, Rukungiri, Arua, Mbarara and Nakasongola for 58 Prisons staff. The rehabilitation of poor sewerage disposal systems in Entebbe and Katwe Police Barracks, and Tororo and Mbale Prisons Baracks has been completed. Further work will also be done to improve the sewerage systems in Tororo Police Barracks, Fort Portal and Soroti Prisons Barracks.
- **Congestion in prisons has reduced by 11% during the year, which is partly attributed to reduction in the prisoner population by 5%** that was achieved through collaborative efforts of sentencing convicts to community service, increases in bail; identification of suspects who benefited from automatic bail having stayed in prison beyond statutory periods and improvements in the case disposition in the General Court Marshal;. Reduction in congestion also arose from the **increased capacity of the prisons by 6%** following construction and renovation of prisons in Nakasongola, Namalu, Tororo and Jinja Main Prison.
- **Improved prisoner welfare** was achieved by providing daily meals to inmates, improving the laboratory services in Luzira and increased access to ARVs to enable inmates access health services; and provision of a uniform to each inmate.
- In order to increase respect for the suspect's right to liberty, the sector identified ways of complying with the Constitutional requirement to commit capital offenders to the High Court within 180 days upon remand, and to try petty offenders within 60 days of remand. Currently, 21% of suspects not committed had stayed beyond 180 days, while there was a **reduction from 32% in 2005/06 to 16% this year of petty offenders whose cases had not been tried within 60 days** of remand. The compliance rate with Constitutional standards regarding petty offenders is higher than that for capital offences.
- A mini prisoner census in March 2007 showed a **percentage reduction in the remand population from 60% in July 2006 to 57% in March 2007**. The monthly growth rate of prisoners reduced from 10% to 4% following the increased use of bail facilitated by the prisons project of linking remands to different social actors, as well as the Para-legal Advisory Services piloted in Gulu, Mbale, Kampala and Fortportal. The PAS has been rolled out to Mbarara and Arua where the proportion of remands is still high at 80%

The sector wide survey established that overall, 18% of the public had experienced one type of human rights violation in the last 2 years. The three most common by JLOS institutions were torture/ill treatment comprising 36% within central and local Government prisons and police stations; unlawful detention (right to liberty) comprising 44% and 31% attesting to delayed trials in the Judiciary. The sector will have to focus on reducing the length of trials and increasing respect for the suspects' rights to freedom from torture and other forms of ill treatment particularly in prisons and police stations formerly under local governments.

2.2.2. Systematic and Consultative Feedback Mechanisms Established

In enhancing human rights respect, the sector has established consultative and feedback mechanisms with the Uganda Human Rights Commission (UHRC) and human rights CSOs who monitor but also complement sector efforts to protect and promote human rights. There is a representative of the UHRC at the JLOS Technical Committee, while the Working Groups constitute representatives from human rights CSOs including HURINET, Foundation for Human Rights Initiative, the Uganda Land Alliance, FIDA (Uganda) and Action Aid. These actors have participated in structured JLOS meetings as well as at the National Justice forum.

The JLOS also entered into a formal cooperation with the UHRC in areas of advocacy, policy and priority setting, capacity building, civic education, law reform, monitoring and evaluation. This will be achieved through structured and ad hoc strategic meetings at which the JLOS will respond to and address key recommendations particularly from the UHRC annual report. The sector during the year participated in activities and meetings of the UHRC and notable in the reporting period, was its input to the UHRC Annual Report to Parliament.

2.3. Enhance Access to Justice for all especially the poor and the marginalised

2.3.1. Access to JLOS Institutions and Services Enhanced

Access to services delivered by the JLOS institutions is hampered by the physical distance and cost of access, language and attitudinal barriers and conflict in some areas of northern and eastern Uganda. The sector has addressed this by de-concentrating its services in a rationalised way through construction/renovation of offices, prisons and Police Posts/Stations, and making its services available through recruitment and deployment of staff, and retooling and equipping. This year:

- Construction of courts is ongoing in Moyo, Yumbe, Pader, Kaberamaido, Entebbe, Kisoro, Bushenyi Pallisa and Kapchorwa; regional offices for the MoJCA in Gulu; and DPP offices in Iganga, Nebbi, Kasese, Moroto and Luwero.
- The National Community Service Program rolled out to the 22 newly created districts, where District Community Service Committees were also established.
- There was no significant recruitment across the sector except for the appointment of 4 Magistrate Grade 1. However, DPP and the Prisons Service are yet to recruit State Attorneys and staff respectively following clearance by Ministry of Public Service. Recommendations from the JSC in 2004 to promote 4 High Court Judges and 1 Chief Registrar are yet to be confirmed. The challenge for the sector is its inability to de-concentrate its presence and services to district level within the available resource, at the same pace as the creation of districts.

The sector strategy to take services closer to the people and to also increase their knowledge of the institutions and services offered, has according to the survey contributed to the following:

- **99% of the public could identify at least one sector institution** although awareness of JLOS institutions varied greatly, with the Police and Local Council Courts at 96%,

- In terms of physical accessibility, **89% of the public indicated that they have access to at least one JLOS institution**, with the Police and Local Councils which are most accessibility. There were improvements in the levels of knowledge and access of the public to Probation Services from 15% in 2002 to 46% and of the DPP from 7% in 2002 to 18%. The sector institutions such as the DPP, the ULRC and the JSC whom the public is least aware of must increase their publicity to increase access to their services and increase public involvement in their activities.
- **The cost of accessing a JLOS institution varies** from 38% of the public who rate the Police as being cheap to 65% of those who rate the Judiciary to be expensive. This means that the sector still has a challenge to address legal aid service provision in collaboration with CSOs.

The key cause for inaccessibility to commercial justice is physical proximity of institutions. To ensure that commercial justice dispute settlement is less 'gender blind' and more responsive to micro, small and medium scale business enterprises, **a study on small claims procedures was completed**. The study recommendations define a small claim, where and how the procedure will work within the existing justice system to particularly enhance access to commercial justice.

The sector prioritized interventions in conflict affected areas and earmarked 30% of its annual budget to implement activities to increase its presence in Northern Uganda. In addition, the sector implemented activities in the Emergency Humanitarian Action Plan. In the reporting period, with funding from the Office of the Prime Minister (OPM) 11 special High Court Criminal Sessions were held to address backlog of criminal cases in Gulu, Lira, Soroti and Kumi. **69% of the 488 cause listed cases were completed**. 149 cases are still pending. The funds were also used to provide transport and accommodation to Judges and State Attorneys, summon witnesses, transport prisoners to court from Soroti and Kitgum prisons and to strengthen the prison facility in Soroti. The MoJCA was also able to open and operationalise its Gulu regional office pending completion of the construction works of its office.

Table 1: Summary of Special Sessions in Northern Uganda

| Area | No. Sessions Planned | No. of Judges Deployed | No. of State Attorneys Deployed (DPP) | No. of Cause listed Cases | No. of Completed Cases | No. of Cases Pending | % of cases disposed |
|--------------|----------------------|------------------------|---------------------------------------|---------------------------|------------------------|----------------------|---------------------|
| Gulu | 5 | 4 | 3 Attorneys & Gulu RSA | 132 | 92 | 40 | 70% |
| Lira | 3 | 3 | 2 Attorneys & Lira RSA | 236 | 196 | 40 | 83% |
| Soroti | 2 | 2 | 1 Attorney & Soroti RSA | 80 | 34 | 46 | 43% |
| Kumi | 1 | 1 | 1 Assistant DPP | 40 | 17 | 23 | 43% |
| Total | 11 | 10 | | 488 | 339 | 149 | 69% |

2.3.2. Disposal Rates of Cases in the Judiciary – Case Backlog reduction

The sector's interventions to reduce case backlog in the Judiciary has included use of ADR. The approach in the Criminal Justice system includes ordinary criminal sessions, mini-sessions, diversion strategies at different stages of the justice system and chain-linking among criminal justice agencies. In addition to the special sessions in Northern Uganda, 18 of the 37 planned High Court Sessions, involving 1,686 cases were held and 633 cases were disposed. Sessions are still ongoing in Nakawa, Soroti, Fort Portal, Masaka, Gulu, Kampala, Rukungiri, Mukono, Masindi, Arua, Bushenyi and Jinja. Of the 48 planned sessions at the Chief Magistrate Court, 10 were held involving 255 cases and they are still ongoing in Rukungiri, Apac, Bushenyi, Kaliro, Luwero, Masaka, Buganda Road, Lira, Masindi and Moroto.

At the beginning of the financial year, there were 82,843 cases in court at all levels; and 53,605 new cases had been registered by April 30, 2007. The total case load is 136,448, of which 49,799 cases have been completed leaving 86,648 cases pending. The Judiciary, therefore, disposed off 36% of the cases (as shown in the table below) and this has resulted into an increase in the average length of stay on remand from 26 months to 30 months. This arose because preference was given to hearing election petitions.

Table 2: Court Performance – July 1, 2006- April 30, 2007

| Court | Type of case | B/F | Reg | Total | Completed | Pending | % disposed |
|-----------------|-------------------|---------------|---------------|---------------|---------------|---------------|------------|
| Supreme Court | Civil Suits | 33 | 14 | 47 | 7 | 40 | 15% |
| | Criminal Offence | 68 | 1 | 69 | 5 | 64 | 7% |
| | Sub-total | 101 | 15 | 116 | 12 | 104 | 10% |
| Court of Appeal | Civil Suits | 682 | 284 | 966 | 152 | 814 | 16% |
| | Criminal Offence | 1,528 | 130 | 1,658 | 50 | 1,608 | 3% |
| | Sub-total | 2,210 | 414 | 2,624 | 202 | 2,422 | 8% |
| High Court | Civil Suits | 12,981 | 1,847 | 14,828 | 2,598 | 12,230 | 18% |
| | Criminal Offence | 6,105 | 3,262 | 9,367 | 2,367 | 7,000 | 25% |
| | Commercial Cases | 1,083 | 901 | 1,984 | 849 | 1,135 | 43% |
| | Family Cases | 3,869 | 2,130 | 5,999 | 1,140 | 4,858 | 19% |
| | Land Cases | 2,326 | 1,352 | 3,678 | 910 | 2,768 | 25% |
| | Sub-total | 26,364 | 9,492 | 35,856 | 7,864 | 27,991 | 22% |
| C/M Court | Civil Suits | 9,400 | 2,757 | 12,157 | 2,637 | 9,520 | 22% |
| | Criminal Offence | 26,524 | 17,077 | 43,601 | 15,100 | 28,501 | 35% |
| | Family Cases | 1,873 | 1,205 | 3,078 | 1,477 | 1,601 | 48% |
| | Sub-total | 37,797 | 21,039 | 58,836 | 19,214 | 39,622 | 33% |
| G1 Court | Civil Suits | 1,998 | 1,199 | 3,197 | 1,242 | 1,955 | 39% |
| | Criminal Offences | 9,430 | 14,692 | 24,122 | 14,209 | 9,913 | 59% |
| | Family Cases | 801 | 436 | 1,237 | 660 | 577 | 53% |
| | Sub-total | 12,229 | 16,327 | 28,556 | 16,111 | 12,445 | 56% |

| | | | | | | | |
|------------|-------------------|---------------|---------------|----------------|---------------|---------------|------------|
| G II Court | Civil Suits | 493 | 391 | 884 | 369 | 515 | 42% |
| | Criminal Offences | 3,645 | 5,920 | 9,565 | 6,021 | 3,544 | 63% |
| | Family Cases | 4 | 7 | 11 | 6 | 5 | 55% |
| | Sub-total | 4,142 | 6,318 | 10,460 | 6,396 | 4,064 | 61% |
| | | | | | | | |
| | G/TOTAL | 82,843 | 53,605 | 136,448 | 49,799 | 86,648 | 36% |

Overall, the growth rate of cases in the Judiciary this year is 5% with Court of Appeal registering the highest growth rate of 10%, Supreme Court at 3%, and High Court at 6%. Court performance shows that the sector is not reducing backlog. There is a cumulative growth of backlog because the case disposal rate does not match the growth rates of new cases into the system.

To clear the existing cases using the session system at the performance levels of this year requires 175 High Court sessions with 40 cases each and 712 sessions at Chief Magistrate court with the current staffing levels and resources. This will not be achieved in the medium term let alone having to dispose new cases. The sector has therefore to revise its strategy to include multiple interventions to register multiple gains in responding to the existing backlog and the growing number of cases.

2.3.3. Increased access to justice through Local Council Courts (LCC)

LCCs have been strengthened through training and sensitisation. Although in the reporting period, LCCs officials were to be trained in Pallisa, Kanungu, Bushenyi, Moyo, Masaka and Nakapiripit, the funds allocated will now be used to train 528 LCC III officials in Ntungamo, Kibaale, Budaaka, Iganga, Adjumani and Kumi Districts since it would not be cost effective to train the LCC I and II whose future is uncertain in view of the recent Constitutional Court ruling.

Through the survey, the **public find LCCs to be accessible with 81% who can access them easily, 74% who find their settlement of dispute to be fast and 77% who find them to be cheap**. The sector should therefore encourage the public to use the LCCs more to settle dispute within their jurisdiction as one way of reducing the growth of cases in the formal justice system. This means that further interventions will have to be made to improve the quality of justice at LCCs.

2.3.4. Increased confidence in the Justice System

Through the chain linked initiative, the sector set minimum performance standards in the administration of justice to improve efficiency in the discharge of justice. Monthly meetings of the chain linked were held throughout the reporting period to monitor performance. The sector also adopted innovative approaches to speed up services such as ADR that is used in the Commercial Court. There are currently high levels of confidence (95% of the public) in ADR as an alternative to formal litigation. Therefore enforcement of the yet to be passed Regulations to allow for use of ADR in the Magistrates Courts, including in criminal matters will further increase efficiency levels. Cumulative progress in these and other interventions has translated into:

- An **increase in public confidence in the justice system from 34% in 2002 to 67% in 2007**. This is measured on the extent to which the public consider the services to be fair, fast and professional. The sector however requires interventions to improve perceptions above current levels.

2.3.5. Increased knowledge of rights and duties

One of the key challenges for the sector is to minimise technicalities that hamper access to justice. Laws have been simplified and will be translated into local languages for the public. So far, a *draft* simplified version of the Constitution and the Local Council Court Act is completed. Sector institutions have also used brochures to inform the public on their functions and where their services can be obtained. Institutions have developed user guides (translated into local languages) to explain to the public how to enforce their rights. This is complemented by civic education programs spearheaded by the JSC on radio/television and workshops, which have been held at regional (3) and district levels (15) where 80 sub-counties were targeted including 55% of these constituting conflict affected areas. A Citizen's Handbook and its popular versions were published to inform the public about the administration of justice and the role of each justice agency. There are other interventions from other stakeholders that complement those from the sector. As a result:

- There are high levels of awareness and knowledge of human rights and duties, with an **increase from 70% in 2002 to 74% of the public indicating that they knew their rights and 81% who knew their duties in 2007**.

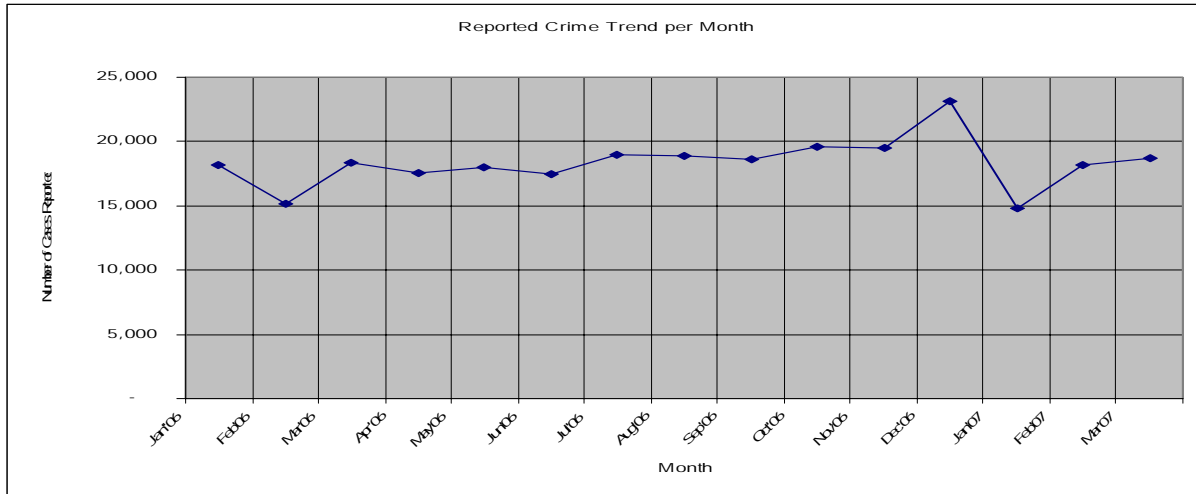
2.4. Reduce Incidence of Crime; Promote safety of the person and security of property

2.4.4. Crime Prevalence: The incidence of crime per 10,000 people

A crime survey had been proposed to establish levels of crime including those that may go unreported, or which is reported to other institutions. It was not conducted in view of the ongoing sector wide survey that would address the issue.

The total reported crime to the Police between January 2006 and March 2007 averages 18,333 cases per month. According to the sector wide survey this represents 57% of all reported crime (only 60% of crime is reported). Compared with the finding that 47% of the public feel that crime is increasing, and also that 19% of the entire sample or at least a family member had been a victim of crime in the past 1 year, it is a fair conclusion that crime is on the increase.

Figure 1: Reported Crime Trend per Month



Source: Crime Statistics Data base

From the statistics, crimes of a more severe or costly nature e.g. theft of vehicles, murder, burglary, robbery with violence and defilement are more frequently reported. The most frequently cited threats to safety and security by the public in the survey are thieves, robbers and cattle rustlers. The public also regarded jobless youth and drug users/addicts as a threat because of their propensity to become thieves or robbers. When compared with prisons statistics showing that 75% of the persons on remand are youth aged 18-35 years, interventions are required at national level to address social and economic concerns that are beyond the mandate of the sector.

The growing level of crime has been addressed in the reporting period by increasing the police strength through recruitment of 4,200 Police Constables to be deployed countrywide; hence improving the police to population ratio. In addition, 3,258 ASTU personnel were recruited and deployed in Northern Uganda to man 100 Police Posts that were established in the Lango, Teso and Acholi sub-regions. Another 1,300 are undergoing training before deployment in Bukwa, Kapchorwa, Sironko, Abim and Adjumani.

In responding to crime, the sector has equipped the Police and increased their skills to strengthen their capacity. There were 71 courses conducted for 5,766 Police Officers translating into 51% of the targeted training in the reporting period; 24 Police Patrol vehicles were provided to increase police mobility and for police responsiveness to crime, various communication equipment and a Local Area Patrol Network were installed in northern Uganda and Kasese. Surveillance cameras have also been placed in strategic areas in Kampala and linked to a central control in Central Police Station.

While 40 CID officers were inducted to strengthen the CID in view of increasing workload, a new CID structure was this year approved to improve its efficiency. The structure provides for a minimum of 18 detectives at every station and 6 detectives at every police post to increase staff and hence reduce the case load per officer. This is expected to improve the quality of investigations and therefore increase the convictions in court. Of the reported cases forwarded for court action, the current conviction rate is 30% and illustrated in the table on police performance.

Table 3: Summary Police Performance

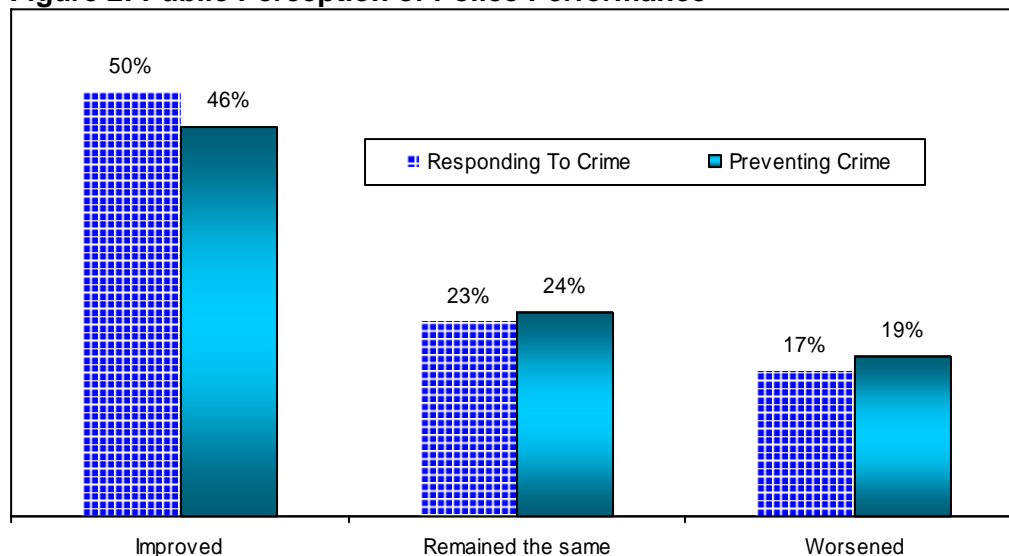
| Month | Cases | | | Accused | | | Victims of crime |
|--------|---------------|----------------|-------------|--------------|------------|-----------|------------------|
| | Reported | Taken to court | Convictions | charged | Convicted | Acquitted | |
| Jan'06 | 18,171 | 3,019 | 533 | 3,424 | 520 | 38 | 18,178 |
| Feb'06 | 15,163 | 2,329 | 412 | 3,002 | 568 | 14 | 15,211 |
| Mar'06 | 18,314 | 2,962 | 584 | 3,661 | 692 | 15 | 18,312 |
| Apr'06 | 17,526 | 2,868 | 594 | 3,773 | 680 | 21 | 17,698 |
| May'06 | 18,032 | 3,219 | 685 | 4,229 | 878 | 23 | 18,060 |
| Jun'06 | 17,478 | 2,925 | 679 | 4,091 | 1,200 | 37 | 17,515 |
| Jul'06 | 18,941 | 3,174 | 657 | 4,042 | 868 | 28 | 19,093 |
| Aug'06 | 18,889 | 3,395 | 870 | 4,344 | 1,014 | 40 | 18,812 |
| Sep'06 | 18,644 | 3,653 | 809 | 4,301 | 1,001 | 50 | 18,701 |
| Oct'06 | 19,578 | 3,516 | 826 | 4,457 | 1,057 | 35 | 19,622 |
| Nov'06 | 19,485 | 3,782 | 896 | 5,290 | 1,366 | 706 | 19,879 |
| Dec'06 | 23,173 | 12,800 | 7,263 | 14,075 | 9,450 | 8,180 | 23,173 |
| Jan'07 | 14,832 | 2,529 | 518 | 2,951 | 583 | 22 | 14,850 |
| Feb'07 | 18,133 | 3,017 | 553 | 3,564 | 651 | 33 | 18,181 |
| Mar'07 | 18,677 | 2,608 | 516 | 3,027 | 572 | 13 | 18,699 |

Source: Crime Statistics Data base

Crime prevalence thus requires the sector to increase its crime prevention strategies. In the period under review, 368 community liaison officers underwent training in community policing in Kasese, Kamwenge, Masindi, Lira and Kibuli. There were increases in foot patrols to increase police presence on streets and within communities based on demographic factors. These interventions have resulted into:

- **Positive perceptions from the public of police performance in responding to and preventing crime, which are illustrative of increase in public confidence in the police as illustrated below: This is a contributing factor to the increase in reports of crime to the Police from 50% in 2002 to 57% in 2007.**

Figure 2: Public Perception of Police Performance



2.4.5. Increased security of property and safety of the person

The strategies of the sector to respond to and prevent crime contribute to safety and security. Another proactive approach was used by the Police who conducted 77 fire safety inspections and 56 radio talk shows to inform the public on fire safety measures. The Fire Brigade also held 32 training workshops for the public, while 428 fire calls were actually responded to. Contrary to the increasing levels of perceived and reported crime, there are

- **high levels of perceptions of public safety and security. 84% of the public feel safe at home and 72% feel safe in public places registering a significant improvement from 62% in 2002.** There is no significant difference by gender although people in rural areas feel relatively more secure than those in urban settings. The people in the West and the East of Uganda perceive themselves to be more secure and safe than those in the Central and the North.
- The sector interventions in increasing Police presence in conflict affected areas together with the role of efforts of other actors has translated into **67% of the people in northern Uganda feeling safe in public places, 78% feeling safe at home and 35% feeling that crime is decreasing.**

The sector will have to adopt campaigns to sensitize the public on how to protect themselves from the highest identified threats (theft and robbery) to their safety and security for improved perceptions.

2.4.6. Reduction in the rate of recidivism

To prevent re-offending, the sector has embarked on establishing and strengthening rehabilitation programs of offenders including juveniles. In order to establish the rates of recidivism, the sector should prioritize and improve the collection of adult offender and juvenile data and improve its systems for tracking offenders. This will commence in the coming financial year.

2.5. JLOS Contribution to Economic Development

The JLOS focus in contributing to economic development is to implement strategies to support production, competitiveness and wealth creation by also taking advantage of regional, bilateral and international trade agreements. Emphasis has been laid on strengthening the registries to reduce the cost of doing business, strengthening commercial dispute mechanisms to handle commercial disputes quickly, increasing capacity of lawyers to advise and settle disputes and that there are appropriate commercial laws in place.

2.5.1. Positive perception towards the legal practitioners serving the private sector

One of the JLOS strategies to support production, competitiveness, and wealth creation is to increase the capacity of private and public sector lawyers in the commercial justice area. In the reporting period, 71 lawyers were trained in drafting essential business contracts to equip them with skills on how to enter into meaningful contracts that are enforceable to better serve

the private sector. Under the sector support to the Uganda Law Society to provide Commercial Law training to lawyers, 54 lawyers were trained in EAC customs laws and procedures. Also, in order to enhance alternative dispute resolution (ADR) 41 lawyers were trained in ADR processes to create sustainable local capacity for effective negotiations and dispute resolution. This has resulted into an **increase in the levels of satisfaction of services provided by legal practitioners** by the business community (private sector) from 64% in 2001 to 80% in 2007.

2.5.2. Positive perception towards the Commercial Dispute Resolution Mechanisms

As part of the regulatory environment necessary for business growth, the sector aims at strengthening commercial dispute resolution mechanisms. The construction of the purpose built Commercial Court has resumed after a waiver from PPDA was obtained for contract extension of construction and when completed, it will reduce the cost of rent and ensure an improved working environment. The process to procure furniture, IT and Court Recording equipment for the Court has been started. Four training sessions for Judges and Registrars of the Commercial Court in ADR were also held in the reporting period and will continue until December 2007.

The Commercial Court registered 901 new cases in the reporting period, while 1,083 were brought forward from the previous financial year bringing the total number of cases to 1,984. The court disposed 849 cases constituting 43% of all cases. Initiatives such as court Users Committees and the multi door policy that allows in-house and external mediation of cases has translated into **78% of the business community who find its services to be fast** and hence **a marginal increase in levels of satisfaction of the business community with the Commercial Court from 59% in 2004 to 61% in 2007.**

Within the reporting time, **59%** of the 178 cases registered were disposed at the Tax Appeals Tribunal. The tribunal will prepare its own rules of procedure to reduce technicalities arising from the Civil Procedure Rules used currently and to increase the number of sittings by the Tribunal to effectively handle the growth of cases for higher disposal rates.

2.5.3. Positive perception towards the Commercial laws

In 2004 the Commercial Justice follow up survey noted that there was a shift from commercial justice institutions as the key concern in the commercial justice system, to the commercial justice laws. The sector wide survey shows that the Private Sector would like to see focus on improving the Tax Legislation and Laws that foster Registration and Regulation of Private Sector activity to ensure fairness. The priority laws proposed for reform remain the same as previous proposals in 2001 and 2004 Surveys and therefore the ongoing law reform work within the sector (*refer. 2.1*) is yet to translate into changes that meet the aspirations of the business community. As such, only **42% of the business community is satisfied with the laws that are necessary for business and economic growth.**

2.5.4. Satisfaction with the Services by the Uganda Registration Services Bureau

The Companies Registry is in the process of full devolution into an autonomous registration services bureau. The Bureau has been automated and a computerized index is now in place. With the computerized Data Index software, the Bureau has captured files for 122,430 Private Companies, 448 Public Companies, 1,720 Foreign Companies, 130,845 Business Names files, 3,502 Trade Marks files, and 42,149 Birth and Deaths files. In addition to

building the capacity of 6 State Attorneys in Intellectual Property Rights, 35 staff of the Bureau were trained in the use of computers and management of electronic records. This has resulted into a check on rampant forgeries and loss of documents. To make the Bureau more responsive to its users, it has continued to hold meetings of its users during which bottlenecks to effective performance are identified and discussed. These measures have resulted into

- **high levels of satisfaction i.e. 74% of the business community (private sector) are satisfied with the services provided by the Uganda Registration Services Bureau**
- **A reduction in the legal professions' perception of corruption at the Bureau from 85% in 2004 to 71% in 2007.**

2.5.5. Perception towards the entire commercial justice system

The overall commercial justice system is still perceived to be weak because, despite the ongoing reforms in some of the key areas, there are no demonstrable improvements in other areas. One such contributing factor is the inefficiency in the Land Registry which is illustrated by only 30% of the business community showing satisfaction with its services in enhancing business environment and growth. It is important that the strategic partnership between the JLOS and the Land Sector Strategic Plan is enhanced to address this.

2.5.6. Taking advantage of international trade arrangements especially in the EAC

The sector institutions represented Uganda in the EAC negotiations. The MoJCA and the ULRC participated in the meetings on various sectors including Judicial, Legal, Trade, Fast tracking of the Federation. In the reporting period, three protocols, three draft bills, a report and draft revised agreement were concluded. Regular participation has also resulted in approximation of 80 pieces of legislation.

2.5.7. Non Tax Revenue (NTR) Collection and Efficiency Savings

A financial management strategy within the national framework enables the sector to contribute to the country's resource base through non tax revenue collection and to also increase the sectors' available resource through efficiency savings. Efficiency in collection of NTR by sector institutions stands as below:

Table 4: Non Tax Revenue Collection from Sector Institutions FY 2006/07

| No | Institution | Annual Projection (shs'000) | Collected |
|----|--|-----------------------------|------------|
| 1. | Uganda Police Force | 3,261,766 | |
| 2. | The Judiciary | 2,338,602 | |
| 3. | Uganda Prisons Service | 3,032,653 | |
| 4. | Ministry of Internal Affairs | 9,702,689 | 12,679,863 |
| 5. | Ministry of Justice & Constitutional Affairs | 166,000 | 1,700,000 |
| 6. | Uganda Law Reform Commission | 485,800 | 486,000 |
| 7. | Law Development Centre | 1,817,000 | |
| | Total | 20,812,821 | |

The annual projection of Shs. 20.8bn from the sector represents 17% of the total national NTR projection for the year. The sector should engage MoFPED to retain a proportion of its NTR to meet the cost of collection and provide incentives for efficient collection by sector institutions.

Efficiency Savings

The Prisons Farms Project: Provision of tractors in Ibuga and Namalu Prisons Farms has increased land utilisation from 250 acres to 300 acres for both farms. The prisons farms have produced 3,930,000kg worth of maize that is valued at Shs.1.9bn. The number of hours worked by prisoners was reduced from 6 hours to 5 hours within the year.

National Community Service Program: 3,000 orders were issued this year for suspects inside and outside prisons. 9750 orders have so far been issued since the program started. This has translated into a saving on Government of Shs.2.3bn and an estimated value of work of Shs.839.6m.

2.6. Programme Management

2.6.1. Second JLOS Strategic Investment Plan 2006-2011 (SIP II)

The SIP II was adopted in August 2006 as the sectors' strategy for the next five years. The strategy was edited for quality assurance and the Policy and Indicators Matrix that forms the results framework for the sector was refined by identifying and aligning institutional indicators to the sector wide indicators. This matrix will be completed when targets for each indicator are set upon completion of the sector wide baseline and follow up survey. The SIP II will therefore be published during FY2007/2008.

An information paper was prepared for presentation to Cabinet by the Minister of Justice and Constitutional Affairs to inform Cabinet and seek support for the JLOS reforms. The JLOS brochure was revised and an abridged version and flyers showing the JLOS priority interventions were printed to inform sector institutions and stakeholders about the reform program.

2.6.2. Sector wide Survey

A sector wide survey was commissioned and undertaken to obtain levels of knowledge, perceptions and practice of demand, access to and usage of JLOS institutions from the public, legal profession, business community (private sector) and specialized groups e.g. ex prisoners and juveniles. The findings will show the impact of the reform program so far and they will also be used to set targets for the sector in the medium term. Key findings were presented to a joint meeting of the JLOS political, policy and technical representatives.

A lesson learnt from the survey is that some of the sector wide indicators are not appropriate. For example, some are very broadly framed and are not measurable. They have to be broken up into several indicators to ease data collection e.g. increased access to justice was broken up to measure different aspects of access to justice such as physical access (distance), cost and access to the law. Others were too narrow to assess the overall impact of interventions under that Key Result Area. E.g. reduction in perceptions of corruption does not sufficiently measure progress in interventions that enhance ethics and accountability. Therefore the sector has to review its sector wide indicators.

2.6.3. Annual PEAP Integrated Review (APIR) Process

During the year, the JLOS participated in the Annual PEAP Implementation Review (APIR) process. An analysis of JLOS performance was measured based on the PEAP Policy matrix and incorporated into the APIR Report. The APIR enabled the sector to illustrate its contribution to poverty reduction and for cross sector and inter pillar discussion. The APIR process also provided an opportunity for the sector to review its PEAP indicators. Once the targets for the sector wide indicators are set, the JLOS will submit a proposal to OPM for revision of its indicators.

2.6.4. Integrated Studies in Land and Family Justice

The sector completed the procurement of consultancy to conduct an integrated study in land and family justice. The study will assess the existing law, policy, institutional framework, constraints and gaps from both the public, key stakeholders and existing literature to inform a prioritised, sequenced programmatic intervention for reform. The study will also inform the sector on the alternative land disputes resolution mechanisms. Until then, land dispute resolution will continue to be handled by the Magistrates Courts following the expiry of tenure of land tribunals. In order to expedite the study which was anticipated to inform reforms in land and family justice beginning from July 2007 the sample size and the methodology will be reviewed with the consultant. The study should be completed by December 2007.

2.6.5. JLOS Management Structure

The JLOS management structure is still based on committees, working groups and user committees' arrangement at which all JLOS institutions are represented. The Technical Committee and its working groups have been re-constituted with new representatives who meet the levels provided under SIP II. The Technical Committee and working groups developed and agreed to terms of reference at an orientation meeting where the role of each Working Group and institutional representatives were defined. The sector also clarified the horizontal and vertical linkages within the management structure.

Since the Commercial and Land Justice Working Groups were established they have not met regularly as planned partly because there was no TA for commercial and land justice. The criminal and family justice working group also expressed the need for further orientation on their role and responsibilities. The institutional representatives will however understand their roles more as they participate regularly in meetings.

Representation on the Working Groups also includes civil society organizations (CSO) and the private sector. The challenge for the CSOs and private sector is to establish or clarify their consultative and feedback mechanisms for wider CSO/private sector involvement in JLOS. Despite this avenue for their participation, the CSOs/private sector has not been able to attend in the meetings. The sector has to continually engage them to participate effectively in the thematic working groups to ensure that they contribute to and influence practice, policy and law.

The JLOS Coordination Committees (JCC) at district level has not been constituted. The Committees will be constituted after the evaluation of the Chain linked Initiative and the case backlog reduction program. The recommendations from the evaluation will inform the sector on the options for integration of parallel process into JLOS and the implications on the JCC.

The secretariat staff level is still not matched its workload. A candidate for the position of TA – Land and Commercial Justice has been proposed for approval by the Steering Committee. The inadequate staffing has been addressed through secondment of staff from the sector institutions to the secretariat and constitution of Task Forces to work with the secretariat on some activities. This approach has increased understanding of the reforms and increased capacity of staff on secondment.

2.6.6. Strategic Partnerships

The strategy of the sector to network and coordinate with other relevant stakeholders whose mandate complements that of JLOS is through inter-sectoral linkages and strategic partnerships. This year, strategic partnerships have been established with

- The UHRC through a framework of cooperation outside the JLOS structures (refer to p 9)
- With identified CSOs and Private sector participation at working Group level (refer to 2.6.5 above)
- The Sector has engaged with the Ministry of Lands, Housing and Urban Development (MoLHUD) to initiate and develop a partnership to share information, inform policy dialogue and foster consultative feedback mechanisms regarding land administration and registration, and land dispute resolution. It has been agreed that the JLOS will constitute the yet to be formed Land Registry Working Group, and the Working Group that will formulate a Land Use Plan. The sector continues to engage the MoLHUD to constitute the National Land Use Policy formulation Working Group considering that the process for formulating the policy is still ongoing. The *draft* Land Policy will be presented at the 12th review to give the sector an opportunity to discuss it and make a concrete response as a sector. The Land Sector Strategic Plan under the Ministry of Lands, Housing and Urban now constitutes the JLOS Technical Committee.

Several visits were made from other countries e.g. Sierra Leone, Rwanda, Ethiopia, Zambia, Zimbabwe, Nigeria and Sudan to learn and pick best practices from the JLOS. The sector also shared its experiences based on lessons learnt locally and abroad (Ireland, Dublin, Nairobi).

2.6.7. Monitoring and Evaluation

The secretariat worked with sector institutions to refine and complete the SIP II monitoring and evaluation framework. The institutional performance indicators that were aligned to the sector indicators and policy actions constitute the SIP II Results framework which will strengthen progress reporting in the JLOS. This means that a lot of emphasis has to be laid on strengthening institutional management information systems for them to generate accurate and reliable data. The challenge now is to establish baselines for some institutional indicators before targets can be set.

The sector also developed a standardised reporting format that each institution will use to submit quarterly, semi annual and annual progress reports. In order for the sector to submit a semi annual report covering the period July to December, the first pre-review technical meeting will have to be held in January. At the end of each financial year, an annual report will be presented including institutional performance based on institutional indicators and an analysis of the sector's performance based on sector wide indicators.

During the year, the sector comprising representatives from the JLOS and development partners conducted two institutional and field visits to assess progress in implementation of planned activities and to examine the environments and conditions under which sector institutions operate. The visits enabled the sector to identify challenges and possible solutions to address them. Some key observations are that there is low awareness of the sector up-country; record keeping in JLOS is weak; the pace of construction work is slow; and variance of reports from what was found on the ground. The visit reports will be used by the sector to take action for improvements. As part of its monitoring and evaluation framework, the next visits will assess investments in Northern and North West Uganda during next financial year.

2.6.8. National Justice Forum

The sector held its second National JLOS Forum. It brought together all stakeholders in the justice system and key stakeholders particularly from up-country as well as from the public. Through the forum, the sector was able to show case its successes and explain the challenges it faces. The Second Strategic Investment Plan was also launched as the strategy for reform in the justice sector over the next five years.

2.6.9. Audit into Court Awards and Compensations

A draft report of the financial and legal audit into Court Awards and Compensations was presented by Ernst and Young. The report was found to be unsatisfactory because the terms of reference that required the consultants to provide an independent analysis and assessment with recommendations had not been complied with. The consultants were asked to address this.

2.6.10. Transitional Justice

The UNDP Country Office supported the sector to carry out a Transitional Justice study in northern and eastern Uganda, and parts of West Nile. The overall objective of the consultancy was to conduct a fact finding mission in selected conflict affected districts in Northern and Eastern Uganda to establish the needs of the people in accessing justice and in particular transitional justice through desk research, interviews, and focus group discussions. The study will draw recommendations for consideration by the Sector on policy options with a strategy and program of action that can be used to promote transitional justice mechanisms. The consultancy team has completed its *draft* report and regional validation meetings will be carried concurrently in June 2007 in Gulu, Soroti and Adjumani with the communities where the research was carried out. A national validation meeting will also be held at the end of June 2007.

CHAPTER THREE – FINANCIAL PERFORMANCE

3.1 Financial Performance for 2006-07

3.1.1 Introduction

This progress report captures the budget performance for all institutions within the sector covering both recurrent and development budget for the FY2006/07. The recurrent performances of Ministry of Local Government and Ministry of Gender, Labour and Social Development have not been included in the report since they are not part of the mainstream JLOS and would be reported within their respective sectors.

3.1.2 Overall Sector Performance (2001/02 – 2006/07)

Table1 and Figure1 below give an analysis of the JLOS share of the national budget over the last 6 years

Table1: Consolidated National and JLOS Budget Performance

| Financial Year | National Budget | | JLOS Budget | | JLOS share of National outturn (Shs'000) | JLOS outturn (%) |
|----------------|------------------------------------|--------------------------|---------------------------------|--------------------------|--|------------------|
| | Total Approved Estimates (Shs'000) | Total Releases (Shs'000) | Total Approved Budget (Shs'000) | Total Releases (Shs'000) | | |
| | a | b | c | d | | |
| 2001/02 | 1,918,710,000 | 1,895,010,000 | 8,790,000 | 6,520,000 | 0.34% | 74.18% |
| 2002/03 | 2,037,600,000 | 2,092,380,000 | 15,230,000 | 14,800,000 | 0.71% | 97.18% |
| 2003/04 | 2,304,680,000 | 2,327,830,000 | 16,690,000 | 10,820,000 | 0.46% | 64.83% |
| 2004/05 | 2,445,820,000 | 2,422,680,000 | 17,580,000 | 16,470,000 | 0.68% | 93.69% |
| 2005/06 | 2,698,410,000 | 2,760,010,000 | 19,590,000 | 18,250,000 | 0.66% | 93.16% |
| 2006/07 | 3,067,750,000 | Not yet available | 18,890,000 | 17,030,359 | 0.62% | 90.16% |

Source: Ministry of Finance Approved Estimates Book

Over the years, the JLOS share of the total national budget has fluctuated year on year, increasing from 0.34% in 2001/02 to 0.71% in 2002/03 and currently standing at 0.62% in 2006/07. The reason for the significant increase in 2002/03 was mainly attributed to the increase in the non-wage subvention to the Uganda Police Force and in the JLOS SWAP Development budget for the year. Following this, there was a significant reduction in the JLOS share in 2003/04 (at 0.34%) arising from the overall national cut in the development budget to deal with the war in the North.

Figure1: Share of JLOS Allocation of National Budget

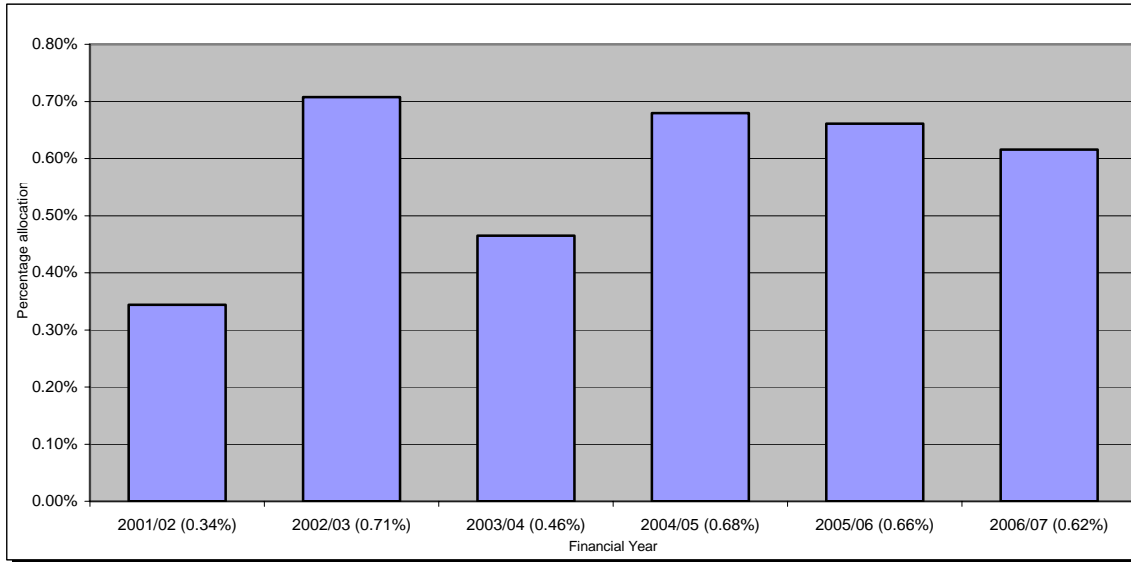
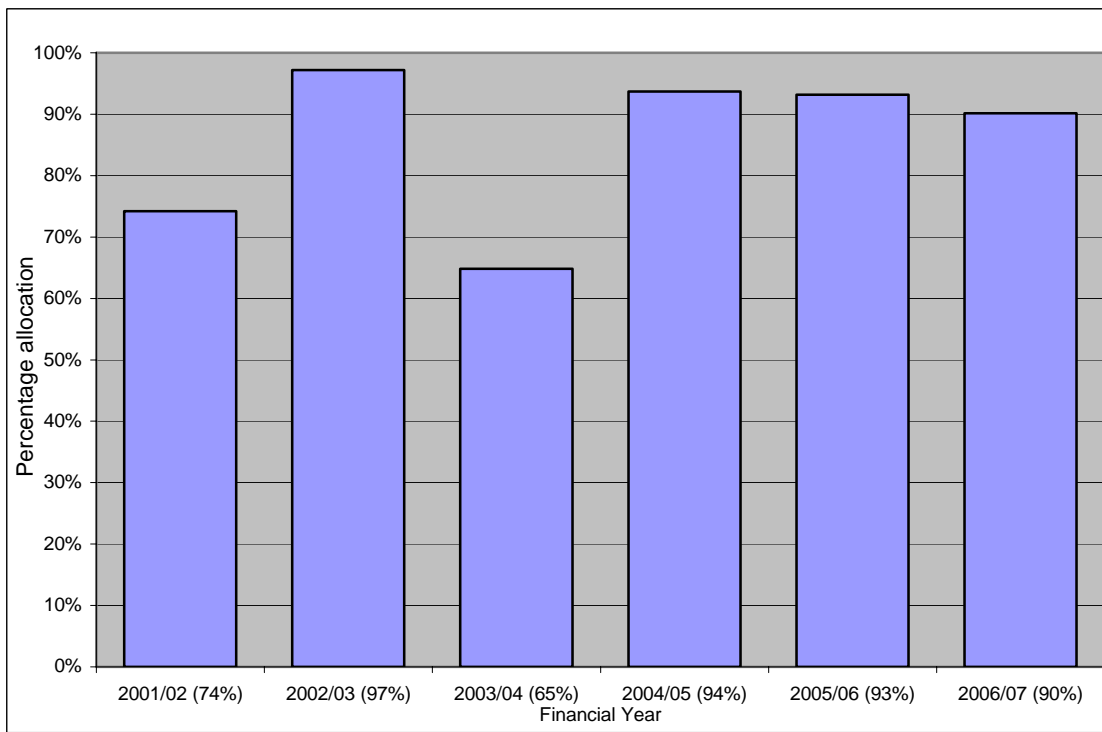


Figure 2 below shows that, in terms of actual performance, the JLOS output has also fluctuated from year to year, with significant fluctuations in the earlier years. Over the last 3 years, the JLOS output has been fairly stable, and currently standing at 90%. Annual wage and non-wage recurrent releases have performed better at nearly 100%, whereas there have been significant fluctuations in the releases for capital development.

Figure2: JLOS Budget Outturns for FY's 2001/02 - 2006/07



3.1.3 Highlights of Performance for 2006/07

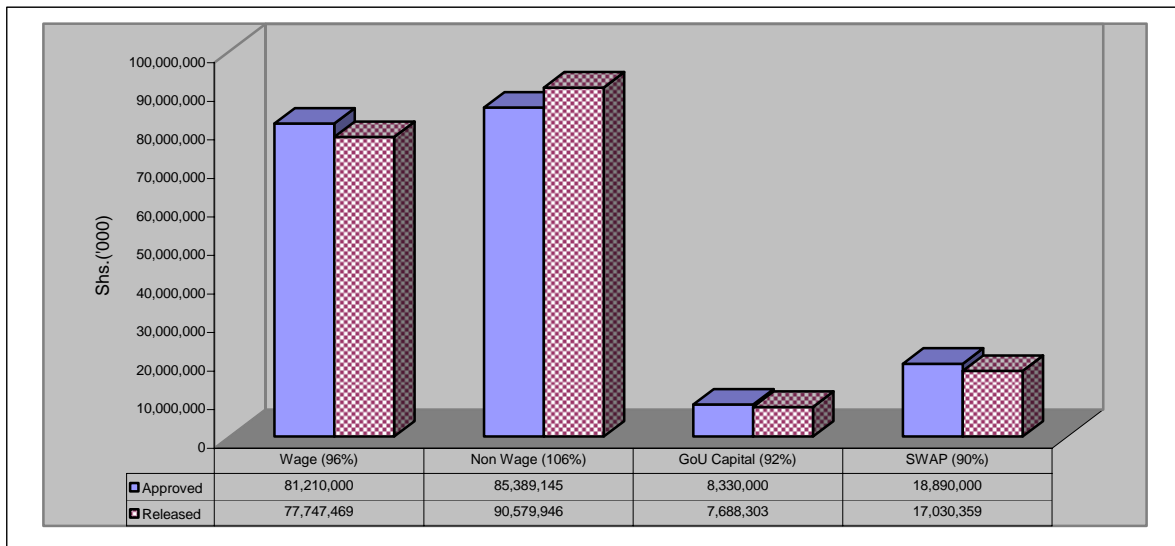
Recurrent expenditure consisting of wage, non-wage and statutory expenditure constituted the biggest share of the budget (86% of the annual estimates). JLOS development fund including constituted 9.7% and GoU Capital Development was 4.3%.

The sector received Shs. 193bn in total which was more or less in line with the Shs 193.08bn approved for the financial year. This includes special releases made to the Ministry of Internal Affairs, DPP, Prisons and Police and for court awards. However, this excluded additional resources made available from Government and donors for the Emergency Humanitarian Action Plan for Northern Uganda, coordinated by the Office of the Prime Minister.

3.1.3.1 Recurrent

The sector recurrent budget outturn performed at 101%. Total released amounted to Shs. 168.3bn, just exceeding Shs. 166.6bn which was approved. Institutions such as Ministry of Internal Affairs (MIA), Police, Prisons and DPP received special releases over and above the approved estimates.

Figure3: JLOS Budget Outturns for FY 2006/07



Wage

- a) The wage outturn was 96% of the approved. The least performing institutions were Ministry of Internal Affairs (77%) JSC (57%) and DPP (77%). This arose from staffing vacancies remaining unfilled against the approved establishment.

Non Wage

- b) The overall non-wage performance stands at 106% with Internal Affairs, Police, Prisons and DPP performing in excess of 100%.

3.1.3.2 Development Budget

The total approved SWAP Development budget for the financial year 2006/07 was Shs. 18.89 billion, allocated to the sector institutions as follows:

Table 2: SWAP Development Funds to Sector Institutions

| Institution | 2006/07 Shs (000) | 2005/06 Shs (000) | % Change |
|--|------------------------------|------------------------------|---------------------|
| Ministry of Justice and Constitutional Affairs | 1,733,364 | 1,961,638 | -11.6% |
| Ministry of Internal Affairs | 2,513,400 | 1,498,310 | 67.7% |
| Ministry of Gender, Labour & Social Devt. | 270,000 | 115,574 | 133.6% |
| Ministry of Local Government | 100,000 | 335,100 | -70.2% |
| Judiciary | 2,334,000 | 3,164,968 | -26.3% |
| Uganda Police Force | 2,798,564 | 2,760,006 | 1.4% |
| Uganda Prisons Service | 3,462,079 | 2,584,300 | 34.0% |
| Directorate of Public Prosecutions | 1,370,500 | 1,698,708 | -19.3% |
| Chain Linked Initiative Programme | 550,000 | 350,000 | 57.1% |
| Uganda Registration Services Bureau | 185,000 | 373,695 | -50.5% |
| Uganda Law Reform Commission | 832,500 | 1,240,037 | -32.9% |
| Judicial Service Commission | 495,000 | 665,500 | -25.6% |
| Tax Appeals Tribunal | 90,000 | 121,000 | -25.6% |
| Centre for Arbitration and Dispute Resolution | 310,000 | 125,000 | 148.0% |
| Law Development Centre | 450,000 | 0 | |
| Uganda Law Society | 165,000 | 278,280 | -40.7% |
| Programme Management | 1,230,593 | 2,317,834 | -46.9% |
| Total | 18,890,000 | 19,589,950 | -3.6% |

Following the merger of the Criminal Justice Reform Programme, Commercial Justice Reform Programme and the Case Backlog Reduction Programme under the second Strategic Investment Plan (SIP II), 4 new Focus Areas with priority areas for sector intervention were identified. Consequently there was a re-prioritisation of activities between the focus areas and the sector institutions resulting into re-allocation of resources as above. New institutions (Law Development Centre, CADER) and new initiatives (National Community Service Programme; strengthening the Chain Link and provision of juvenile detention facilities under MoGLSD) resulted into re-allocation of available resources to cover these emerging priorities.

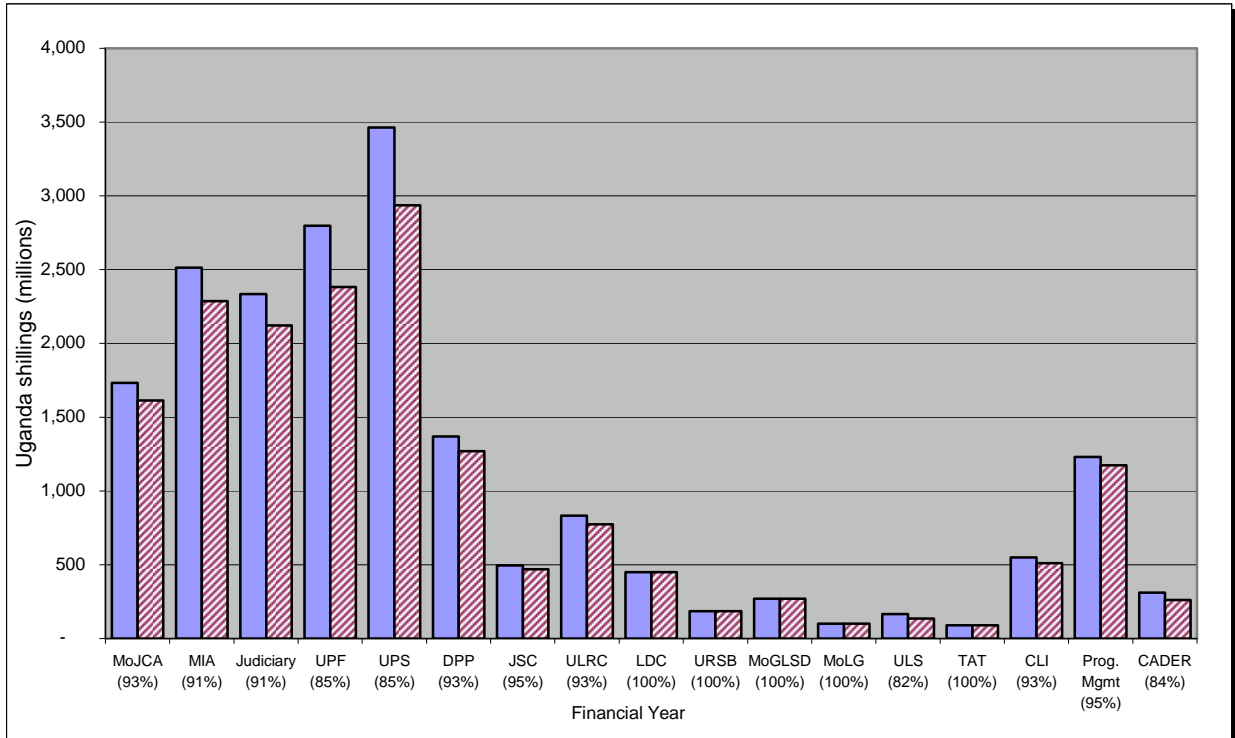
The approved annual estimates for the year were not in line with prioritised activities in the sector work plan. This resulted into budgetary shortfalls in allowances for Case Backlog reduction and the Chain Linked Initiative, salaries for Technical Advisors at the Secretariat and non-residential buildings. Conversely, excess provisions were made for property expenses, maintenance of plant and machinery and residential buildings, over and above what was planned for.

The Sector requested the Ministry of Finance, Planning and Economic Development (MoFPED) for Corrigenda, which was not granted. The mismatch between the approved work plan and budget appropriation posed difficulties to the sector in implementing the work plan. There was a consequent delay in the approval of the Sector work plan following the

budget revision and the request for Corrigenda. This also led to delays in release of funds to the Sector.

Releases for the JLOS development fund performed at 90%. Shs. 17.03 billion was released against the estimate of Shs. 18.89bn. This included support from GTZ for the criminal justice reform programme that was disbursed directly to the sector secretariat. Releases from MoFPED were initially further delayed by the transfer of program accounts to BoU leading to delays in program implementation and reporting.

Figure4: JLOS disbursements to Institutions in FY 2006/07



The SWAP Development funds were released directly to sector institutions in line with the financial management strategy which was approved by the joint Leadership and Steering Committee.

Table 3: JLOS SWAp Development Outturn by Budget Line FY2006/07

| Description | Annual Estimate | Total | Outturn |
|------------------------------------|-----------------|-----------|---------|
| General staff salaries | 50,608 | 50,608 | 100.0% |
| Contract staff salaries | 33,600 | 33,600 | 100.0% |
| Allowances | 1,108,243 | 1,740,083 | 157.0% |
| Recruitment and training | 1,548,869 | 1,555,289 | 100.4% |
| Printing, binding and stationery | 449,409 | 405,795 | 90.3% |
| Property expenses | 570,257 | 0 | 0.0% |
| General supply of goods & services | 2,861,000 | 2,587,966 | 90.5% |
| Consultancy - short term | 422,596 | 395,000 | 93.5% |
| Consultancy - long term | 455,600 | 586,866 | 128.8% |

| | | | |
|--------------------------------------|-------------------|-------------------|--------------|
| Maintenance of vehicles | 322,164 | 317,188 | 98.5% |
| Maintenance of machinery & equipment | 1,000,000 | 353,495 | 35.3% |
| Non residential buildings | 2,598,810 | 3,535,000 | 136.0% |
| Residential buildings | 4,531,280 | 2,560,000 | 56.5% |
| Transport Equipment | 1,583,000 | 1,583,000 | 100.0% |
| Machinery and equipment | 1,109,564 | 1,240,835 | 111.8% |
| Furniture and fixtures | 245,000 | 85,634 | 35.0% |
| Total | 18,890,000 | 17,030,359 | 90.2% |

Releases to sector institutions during the year were as below:

Table 4: Institutional Disbursements against Annual Allocations FY2006/07

| Institution/Programme | Annual Shs (000) | Total Shs (000) | Outturn |
|---|-------------------------|------------------------|----------------|
| Ministry of Justice & Constitutional Affairs | 1,733,364 | 1,613,655 | 93.1% |
| Ministry of Internal Affairs | 2,513,400 | 2,286,495 | 91.0% |
| Ministry of Local Government | 100,000 | 100,000 | 100.0% |
| Ministry of Gender, Labour & Social Devt. | 270,000 | 270,000 | 100.0% |
| Judiciary | 2,334,000 | 2,120,748 | 90.9% |
| Uganda Police Force | 2,798,564 | 2,382,285 | 85.1% |
| Uganda Prisons Service | 3,462,079 | 2,937,998 | 84.9% |
| Directorate of Public Prosecutions | 1,370,500 | 1,269,888 | 92.7% |
| Uganda Law Reform Commission | 832,500 | 775,000 | 93.1% |
| Judicial Service Commission | 495,000 | 470,000 | 94.9% |
| Uganda Registration Services Bureau | 185,000 | 185,000 | 100.0% |
| Law Development Centre | 450,000 | 450,000 | 100.0% |
| Tax Appeals Tribunal | 90,000 | 90,000 | 100.0% |
| Chain Linked Initiative Programme | 550,000 | 511,024 | 92.9% |
| Centre for Arbitration and Dispute Resolution | 310,000 | 260,000 | 83.9% |
| Uganda Law Society | 165,000 | 135,000 | 81.8% |
| Programme Management | 1,230,593 | 1,173,266 | 95.3% |
| Total | 18,890,000 | 17,030,359 | 90.2% |

Following the 90% performance against the budget, the sector decided that institutions with smaller budgetary allocations should, as much as possible be provided with all the funds allocated to them to provide adequate resources to implement their sector activities. Thus, MoLG, MoGLSD, URSB and TAT performed at 100% while CADER and Uganda Law Society, also falling within this category performed at 84% and 82% respectively due to bottlenecks within these institutions in implementing their activities within GoU structures.

3.2 Progress on Financial Management Strategy

Following the recruitment of the Financial Management Specialist, a strategy was drawn to improve financial control and accountability and reduce fiduciary risk in all JLOS institutions. The strategy provides for:

- Merger of Commercial Justice, Criminal Justice and Case Backlog funds into one SWAP Development Fund under SIPII
- Analysis of overall SWAP Development budget into budget estimates and institutional allocations to enhance monitoring and accountability.
- Expenditure on sector initiatives (Case Backlog reduction, Chain Linked programme and National Community Service Programme) and on the 4 focus areas (Criminal, Commercial, Family and Land Justice Reforms) to be separately monitored with regard to physical implementation of identified activities, set targets and indicators.
- Each institution to maintain a separate programme bank account with Bank of Uganda. Old bank accounts maintained under SIP1 and at Commercial banks to be closed.
- Each institution to submit quarterly progress reports and accountabilities with supporting documentation in an approved format for review by the Secretariat. Supporting documentation must be adequate, independently verifiable, properly referenced and approved by the Accounting Officer or other delegated authority.
- The progress reports will track approved activities in the work plans to physical progress and costs incurred to date against the annual budgets and funds released.
- Secretariat to review accountabilities, matching them to approved activities in the work plan to ensure that they are relevant and qualifying expenditure.
- Non-qualifying expenditure and activities not in the work plan are rejected and the accountability returned to the institution; the amount so spent are deemed to constitute cash balances held by the institution for which full accountability will subsequently be made within the financial year.
- Based on review of accountabilities and progress reports, Secretariat submits a consolidated progress report to MoFPED, indicating additional resources to be released to each institution for the following quarter.

The joint Leadership/Steering Committee approved the strategy in August 2006 for immediate implementation with regard to the financial year 2006/07. The following progress has been made to date, with difficulties faced highlighted:

- The reform programme under SIP II has now merged the constituent programmes into one SWAP Development Fund. Old programme accounts held at the Secretariat have been reconciled and are due to be closed following a final audit. All institutions have transferred the JLOS programme accounts from commercial banks to Bank of Uganda.
- The annual budget estimates drawn by MoFPED were not in line with the approved activities. MoFPED has indicated that the development budget should have minimal provision for normal recurrent costs such as allowances and workshops. In addition, MoFPED wishes to see more physical infrastructure activities leading to excess provision on construction budgets.

- This was not in line with the identified interventions to improve on processes and service delivery under the reform programme. Reform initiatives such as Case Backlog reduction, National Community Service Programme, Chain Linked, Civic Education and Law Reform inevitable involve paying allowances for court sessions, supervision and holding consultative workshops which are critical under the reform programme.
- The financial management strategy is envisaged to be implemented within the Public Finance and Accountability Act, 2003. The Secretariat operates within the GoU structure under the Ministry of Justice and Constitutional Affairs. It follows GoU procurement and accounting guidelines, using the Policy and Planning Unit, the Procurement and Disposal Unit and the Accounts Department of the Ministry.
- The Secretariat faces challenges to implement the strategy and other financial decisions of the Sector without undue delays and bureaucracy that are attendant of Government. Often the Secretariat is unable to follow up matters directly with JLOS Accounting Officers and the Ministry of Finance.
- Under the IFMS system, the Secretariat does not control funds allocated to it under the development programme. These funds, together with those of CADER and the Uganda Law Society, are controlled by the Ministry of Justice, and are co-mingled with other non-wage recurrent funds of the Ministry. This poses a risk that the funds may be used by the Ministry for activities that are not within the sector work plan.

CHAPTER FOUR – PROGRESS AGAINST UNDERTAKINGS

4.1. Eliminate commercial justice case backlog by January 2008.

The existing backlog of cases at the commercial court is 317 cases. Further progress will be presented in the next semi annual progress report.

4.2. Set criminal justice targets by August 2006 to reduce the average stay on remand in prisons accordingly by January 2008

The criminal justice targets were set to form the basis for the sector to track progress in reduction in average length of stay on remand for capital and petty offenders. At June 2007 the target for capital offences is 21 months while that for petty offenders is 60 days. As at June 2007, the average length of stay on remand for capital and petty offenders is 30 months and 5 months respectively. Progress will be reported in the next semi annual progress report.

4.3. Ensure financial sustainability of CADER by July 2007 so as to allow it to effectively deliver its mandate

In the immediate term, the current financial years' allocation from the SWAp Development Fund to CADER would be used to engage staff to conduct mediation as short term consultants.

In the long term, the process to amend the Arbitration Act to make provision by law that operational costs of CADER should be charged from the consolidated fund is ongoing. The Certificate for financial implications in respect of the amendment was requested for by the MoJCA and is awaited from MoFPED.

4.4. Develop effective plans, including an adequate budget for the integration of the Local Administration Police and Prisons into central level by May 2007

The plans to integrate Local Administration Police and Prisons into the central levels are still ongoing.

However, a review was undertaken by the Police Force to establish the numbers of the Local Administration Police, which stands at 5,919. Since the corresponding budget for local administration police was not transferred to the Police force, this presented a wage shortfall of shs.7.5bn and shs.4.1bn for non wage. There is also no provision for non wage and development and this would await approval of the Ministry of Public Service.

The Uganda Prisons Service deployed teams countrywide to conduct a rapid assessment of the local administration prisons to establish the numbers, qualifications and ages of the staff. Based on this, a budget was drawn. However, there is no provision for the wages of the staff, presenting a gap of shs.4.5bn and shs.15bn for the non wage. The UPS would follow up the matter with the MoFPED.

- 4.5. Implement the JLOS Annual Workplan FY2006/2007 in terms of increase of JLOS service delivery in conflict affected areas by July 2007 and input concrete JLOS plan into the PRDP.

The annual workplan has been implemented as illustrated in the institutional progress reports. In addition, the JLOS made input to the Emergency Humanitarian Action Plan through which the UPF received 8bn, the MoJCA, the Judiciary, the DPP and the UPS received a total of 1.3bn. The EHAP has been implemented and progress is integrated into this report.

A JLOS Task Force was also constituted to coordinate and develop the JLOS component into the PRDP. The revised edition of the PRDP is to be discussed in the sector.

- 4.5. Re-introduce the Magistrates Courts (Amendment) Bill; the Trial on Indictment Act (Amendment) Bill; the Penal Code Act Amendment Bill, which lapsed with the last Parliament, by June 2007.

All the bills were re-introduced in Parliament in December 2007. The Magistrates Courts (Amendment) Bill and the Penal Code Act Amendment Bill have been enacted into law, while the Trial on Indictment Act (Amendment) Bill is still under consideration by Parliament.

- 4.6. Re-introduce the Companies Bill, the Insolvency Bill and the Trade and Service Marks Bills in Cabinet by June 2007.

All the bills were re-introduced and the principles approved by Cabinet. The bills were redrafted in conformity with the approved principles and Cabinet authority is awaited before they are published and tabled in Parliament for enacted into law.

- 4.7. Conclude and submit as an input to the National Justice Forum in November/December 2006, the sector wide survey.

The procurement of a consultant to conduct the sector wide survey was protracted owing to budgetary constraints that had to be resolved between the sector and the consultant who was awarded the contract. During the survey, there were further delays in obtaining responses to the questionnaires from the legal profession and the private sector that prevented the sector from presenting the results to the National Justice Forum in February 2007. However, the results will be presented to the 12th JLOS review.

CHAPTER FIVE – CHALLENGES AND RECOMMENDATIONS

In the reporting period, the sector faced constraints that impacted on its ability to perform on time or satisfactorily. This chapter raises the concerns that underpin the reform program and which require action.

5.1. Inadequate JLOS Recurrent Budget

The investment in implementation of the EHAP and those planned under the PRDP to improve JLOS presence in conflict affected areas require corresponding recurrent budgets for wages of recruited staff and officers, as well as operations. To have the recurrent budget increased means that the JLOS MTEF must proportionately be lifted. The sector needs to continue to engage the MoFPED at all levels with proposals on how its recurrent budget may be increased if its investments particularly in conflict affected areas are to be sustainable.

5.3. Incomplete Institutional Strategic Planning

There have been delays by institutions to complete their institutional strategic planning. Some institutions have not been able to illustrate a coherent strategy on how they intend to implement the sector wide priorities, a factor that made it difficult for the sector to rationalize its annual planning. In reporting, institutions have also largely reported progress based on outputs and not on their performance indicators because they were developed late. To date the MoJCA, MIA, the Judiciary, the Prisons Service and the Ministry of Gender; Labour and Social Development (MoGLSD) have officially submitted their Strategic Plans to the secretariat.

5.4. Sector Coordination

Institutions tend to source for resources outside the sector to implement activities that were not financially supported owing to the small sector resource envelop. This approach undermines the SWAp management process. The sector institutions need to recognize sector coordination as a way of preventing non priority activities placed on the agenda but as a way of encouraging strategic interventions that have cross institutional benefit.

5.5. Donor Coordination

In the reporting period, the sector received additional funds and support for implementation of the EHAP, through project support. We have this year registered low Police participation in the sector meetings which is partly attributed to this. This has impacted on the sector's inability to track the different projects, subject the Police to peer review and assess its overall performance. Development partner coordination is essential to support the sector address similar situations in future by synchronizing donor planning, review and monitoring processes with government systems to ease coordination and information sharing about activities.

5.6. Delays in Progress Reporting

The sector institutions do not report progress on time and this is compounded by the weak information systems that make it difficult for them to provide accurate data in a timely manner. In some institutions, the absence of a PPU has meant that other officers have to compile reports in addition to their routine work. Precedence is given to the routine work over progress reporting. Although a format for progress reporting was agreed to, some institutions did not conform to it and therefore their reports were not captured in this report e.g. MoJCA. CADER and MoLG submitted reports that did not show progress, while the Chain linked Initiative, and MIA except for the National Community Service Program did not submit any reports at all.

5.7. Low Staff Retention

During the financial year, four senior State Attorneys from the DPP, four lawyers from the ULRC and four others from the MoJCA left service with the sector. This is partly attributed to the poor terms and conditions of service for which the sector has proposed salary enhancement to the MoFPED. This has further impacted on the existing inadequate staff levels which in some cases are far below the approved establishment such as in the DPP.

5.8. Role of Sector Secretariat

It is often difficult for the secretariat to implement decisions of the sector without undue delays. The secretariat has been constrained in coordinating and facilitating sector wide activities. Also under the IFMS the secretariat does not control program funds allocated under the reform program. The secretariat should be empowered within the GoU structures to effectively manage the sector funds and the reform program.