

Your Lordship the Honourable Chief Justice,
Honourable Minister of Justice and Constitutional Affairs
Honourable Attorney General,
Honourable Minister of Internal Affairs,
Honourable Ministers of State,
Honourable Members of Parliament,
Heads of JLOS institutions and their representatives,
Representatives from the civil society and the private sector,
Representatives from the media,
Fellow development partners,
Dear friends, ladies and gentlemen,

First of all, I want to thank all the institutions and the secretariat specifically for the very informative report. The regional and international comparisons specifically are interesting, as it puts progress in Uganda in a regional and international perspective: relatively low crime rates and relatively low number of people in the prison. Also, I want to express my appreciation for the open and constructive way the Sector has interacted with DPs. I think I talk on behalf of the whole DPG when I say that this is much appreciated.

Ambassador Jeroen Verheul in his speech already mentioned the joint DPs appraisal that the development partners group will present today. I think DPs had a feeling they missed an instrument with which they could weight, in a balanced and nuanced way, what progress the sector has actually made, similar to what happens in the JAF sectors. Especially when discussions get heated, when JLOS institutions are dominating the headlines in the newspapers, it is important to step back, analyse the reports, conduct field visits and document progress as well as we can. The improved quality of the JLOS report, which includes a lot of useful data and information, and the very useful M&E visits helped a lot, and we thank the sector for that.

We've discussed the idea behind the assessment with the sector during the semi-annual review in March this year, and presented the first draft last week, during the technical review.

Of course, underlying principles such as respect for human rights, democracy and good governance, will

continue to play a key role in assessing progress, but DPs can refer to this document, in addition to the report, if they have to explain what has been done with donor money, what went well, and what did not go so well. Like in the JAF assessment, we use three colours, green, yellow and red. I've been told that it is OPM's policy to have two colours only, either good or bad, so next year, we will adapt to that system.

We assess three areas, KRAs and additional priorities, undertakings, and management.

KRA 1: Promote Rule of Law and Due Process:

There is good progress in law reforms, simplification and translation of laws, slightly less than last year, I think because of elections. Also, there is moderate progress in accountability and ethics. The actual implementation of laws seems behind schedule, we'll come back to that when assessing the undertakings. And more over, impact of all these law reforms is not very clear. Hopefully in next year's report, when we look back at a time span of six years of law reform, we can have a better look at that. The interpretation of what due process is seems a bit limited. In the original SIP, it was broader: strengthen enforcement of judgements, enhance supervision of bailiffs, sensitise government agencies on breach of contractual obligations, very topical these days, only arrest suspects after sufficient investigation. In this respect: Why were HRD Al Amin Kimathi and other suspects imprisoned for almost a full year, why was his bail denied time after time, while prosecution apparently did not have evidence against him?

Information provided on the independence of the judiciary is quite general, while developments such as the partly implementation of court rulings, appointments from outside the Judiciary to the higher bench, or interference from the State House Land Rights Desk and the RDCs with land disputes, might have affected the independence of the judiciary. The Administration of Justice Bill that is supposed to provide for financial independence has still not been enacted. Also, there is a need for new appointments for the commissioner of the Judicial Service Commission, so that nominations for the appointment of new judges can continue.

We see that JLOS institutions hold sessions to hear disciplinary cases, but there is no feedback on what happens to these cases. So we can't really say whether or not JLOS personnel are being held accountable for any wrong doings. We've been told that the Inspectorate of Courts on average receives 600 complaints per year. That is more than three complaints per magistrate. There is no information on actions against errant magistrates. Does this mean all 600 complaints are ungrounded? What happens to 99% of the complaints against policemen, when they don't get referred to CID for criminal investigations?

Also, there seems to be a lack of coordination between inspection systems, and we are pleased to hear that last week a first meeting between the different inspectorates was held in order to improve coordination.

Finally, under this KRA1, I want to express our disappointment with the fact that the Anti-Corruption Strategy has not been adopted. This delay of several years now, is reason for concern. All in all we assess progress as sufficient.

KRA 2: Foster a human rights culture

There are some good and promising developments in the area of human rights: the establishments of human rights committees in the prisons. In next reports, we would like to learn more about how they are functioning, and what issues they are addressing – facilities, overstaying on remand, forced labour, etc. We are pleased to learn that the compliance with the 48h rule, that is the maximum time that a detainee can spend in a police cell, is now 85%. However, this does not match with our observations on the ground; we've spoken to people who sat in police cells for days, weeks, and in some cases even months. Also, the 0,0% juveniles in prisons does not match with the findings during joint GoU – DP visits to prison. In the majority of the prisons that we've visited this year there were people who claimed to be juveniles. The silver fish: It is a very healthy addition indeed, though prisoners never mentioned to us that this is part of their diet. So in which prisons is silver fish part of the menu?

UHRC is now fully integrated into the sector, which was one of the objectives under SIP II. The commission is now handling more complaints than before, but is still facing a case backlog. Also, the sector is still struggling with the court awards. The budget allocated to court awards is not sufficient. Many victims of human rights abuses are still waiting for compensation that was awarded years ago. Moreover, and more fundamental, is the fact that compensation ideally would be paid by the responsible institution or individual. DPs are very willing to support a lobby by the sector to include court awards in de the budgets of the different ministries and institutions instead of a lump sum in the budget of the Ministry of Justice and Constitutional Affairs.

As much as we commend the successes, we also see serious challenges in the area of human rights. Human rights is much broader than training and getting rid of the bucket system. What about the strategy that was mentioned in the SIP II, in which the JLOS would develop a change management strategy, and a human development plan to have more social responsibility amongst staff? What about institutional and individual accountability? As mentioned in the Ambassador's speech, the public has hardly received feedback on the September 2009 riots and the W2W protests. What is GoU assessment of the incidents that has led to death and injury of many civilians? What happened with the members of the security forces who allegedly used excessive force? Let me stress that DPs concern with accountability is not only about these politically very visible events, but also about hundreds of incidents of torture that are reported throughout the year to NGOs or the UHRC. Is there any feedback on how the alleged culprits will be brought before justice? How does this match with the 1% of complaints that are forwarded to CID for criminal investigations? In this respect, it is a true pity that the torture bill has not been enacted. DPs were pleased to learn that the AG has indicated that he is in favour of such a bill. Will the GoU considering supporting this bill?

Overall, DPs assessed progress for FY10/11 as sufficient, but I want to stress that focus in next year's assessment will be on institutional and individual accountability.

KRA 3: access to justice for all

Access to justice for all is a key element of SIP II. The JLOS has recruited additional personnel, resulting in a better case load per detective, more DPP staff, and through the recruitment of extra prison staff, the warder – prisoner ratio is now close to international standards. Also in the judiciary there has been an increase of staff- though the net result is moderate, because while 11 judges were appointed, 8 judges retired.

Newly constructed buildings led to an increase in physical access to justice, though we have also noted that many construction sites are abandoned, for a variety of reasons, but mainly poor contract management. As said already, the average stay on remand in prison decreased significantly, for the first time in years. This is great news. However, the number of pending cases is still growing, as there are more new cases coming in than there are concluded cases. Therefore, we have to look at a more sustainable solution than the case backlog sessions. Let me show you a slide with performances of the different members of the judiciary. I suppose if this information is broken down to the district level, one could even do more analysis. I take the example of the judiciary, because the relevant data was easily available, but I suppose such differences in case load per officer can be noted in other sections of the JLOS as well. It is great news that the judiciary is going to implement a pilot in performance based management, which is an unprecedented novelty.

In his opening remarks, the Minister of Justice was mentioning the need to train and equip the Local Council Courts, which is important indeed for effective service delivery.

Lastly, I'd like to mention that although this was a key undertaking under the SIP II, there was no progress made on the Legal Aid Policy, though we are pleased to note that in the current financial year this is being prioritized. Overall, progress is sufficient.

Key result area 4: safety of person and security of property

JLOS has performed well in fighting crime. There are less incidents of crime per 100.000 citizens. There is an increase in completed and prosecuted criminal cases. There is more prison and police staff. Given the high number of newly recruits in the police, most of them not trained as full-fledged police officers, we wonder what the long term strategy is. Is the UPF indeed going to phase out the special police constables, who still form a significant part of the police force? What about the new recruits? And a specific point of attention is the training of CID personnel, the criminal investigations department. In many districts, we have heard the DCCs complaining about the lack of well-trained CID officers, and the lack of facilitation in terms of cars, fuel, etc. A final point of attention is the low conviction rates of domestic violence and sexual offences. What are the main bottlenecks here, and how to address them? Overall, progress is good.

KRA 5: Economic development

There is progress in law reform, draft regulation is being prepared, training of lawyers is on-going, and there is an increase in mediation in the Commercial Court. Uganda moved 7 steps up in the World Bank index for doing business. However, in the areas that fall under JLOS, challenges remain: 5 steps down in terms of starting your business, 1 step down in protecting investors, while progress is made on strengthening rights and enforcing contracts. There is information missing on standards for minimum service delivery, customer care, and creation of a business environment in JLOS institutions. No progress was made on initiatives such as the small claims procedure. Overall progress is sufficient.

When we move to the additional priorities, Transitional Justice, also there, progress is sufficient. JLOS is still well behind schedule, but after a year of hardly any activities, in the beginning of 2011, finally the consultation process kicked off. Also, the first trial in the International Crimes Division started. We hope that in this financial year, more attention will go to outreach and witness protection, and that an inclusive TJ strategy will be developed, that will be part of SIP III, and that will address the areas of traditional justice and truth telling.

For PRDP, the peace dividend, progress has been very limited. Implementation of constructions that were supposed to have finished in 2006, are still not ready. The additional donor funds that were disbursed in 2007, 2008 and 2009, are still not fully used. Last year, DPs have indicated their serious concerns with the delays, but during a recent M&E tour, we did not see a lot of progress. In the last month, there is some new momentum gained, and we hope that next year, the sector can report that PRDP projects have been implemented completely.

Focal Areas and cross cutting issues:

The SIP II has been a bit too complex in its design, according to the people who carried out the midterm evaluation. In addition to the key result areas, there are additional priorities, there are undertakings, there are focal areas and cross cutting issues. I think the focal areas have not been fully prioritized by the sector. On family justice, land, commercial justice, criminal justice, some progress has been made, but a consistent approach on land and family is still lacking. DPs decided not to rate this separately.

Then the progress against undertakings: It seems that the sector was not able to fully complete most the undertakings in the period ending June 30 2011. I will quickly go through the slides: 4 out of the 7 undertakings score insufficiently. I think for next year, we have to make sharp and realistic undertakings, that come with a budget and an implementation plan; this is the only way to avoid a disappointing assessment next year. Progress has been insufficient.

Finally, planning, budgeting and management.

To summarize the agreed procedures between DPs and the sector: we have agreed that annual and semi-annual review held on time, in March and September respectively, that reports are disseminated to donors two weeks before the meeting; that DP comments on the draft are incorporated in the final version of the report: Progress here has been excellent.

The work plan need to be approved one month prior to the start of the FY; draft work plans need to be circulated in time, so that DPs have at least two weeks to submit comments. Comments of DPs need to be sufficiently incorporated in the work plan, outstanding questions sufficiently answered; I think progress here is also good.

However, if we take the issue of budgeting a bit further, we must note that there issues with the budgets of the institutions. How realistic is a budget, when in addition to the original 550 bln, around 300 bln is added in the supplementary budget? Releases on non wage spending was 167% of the original budget. And why is money available for infrastructure not used? This all has to do with planning. The other issue has to do with auditing. In the most recent audit, FY2009-10, 7 out of 8 institutions had qualified opinions. This means that the auditor had serious concerns with the accountability. Yet the audit committee did not see any reason to meet. This is a major concern, especially for the sector budget support donors.

The process around the Budget Framework Paper was chaotic this year, I think we can all agree to that, so let's hope that next year we can do better.

We have had two well-prepared joint GoU/DP M&E visits, and we have learnt a lot from them. Thank you for that.

All in all, to summarise the joint assessment, we conclude that in the first area, progress is sufficient (50%), the second one insufficient (30%), and the third one good (20%).

My lord, ladies and gentlemen, I think these were the main highlights of the assessment. Again, this is a first assessment, and though we have discussed it with the sector before, we are still very open to any remarks, additions, or comments on what we should have assessed differently. For now, let me thank you for your attention, and I am looking forward to some good discussions.

Thank you.