



## **JUSTICE LAW AND ORDER SECTOR**

### **SEMI ANNUAL PROGRESS REPORT JULY TO DECEMBER 2007**

**JANUARY 2008**

**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**

## TABLE OF CONTENTS

	Page
<b>1. Introduction .....</b>	<b>3</b>
<b>2. Physical Performance.....</b>	<b>5</b>
Promote Rule of Law and Due Process.....	5
Key Laws initiated by JLOS Enacted .....	5
Access to Updated Laws and Case Precedents Increased .....	6
Perceptions of Independence of Judicial System Increased.....	6
Ethics and Accountability in JLOS Enhanced .....	7
Foster a Human Rights Culture across JLOS Institutions .....	7
Levels of Human Rights Violations.....	7
Systematic and Consultative Feedback Mechanisms Established.....	9
Enhance Access to Justice for all especially the poor and the marginalised.....	9
Access to JLOS Institutions and Service Enhanced.....	9
Case back log Reduction.....	10
Access to Local Council Court Increased .....	12
Confidence in the Justice System Increased.....	12
Knowledge of Rights and Duties Increased.....	12
Reduce Incidence of Crime; Promote safety of the person & security of property..	13
Crime Prevalence: Incidence and Trends of Crime.....	13
Safety of the Person and Security of Property Increased.....	15
Reduction in the rate of Recidivism.....	16
JLOS Contribution to Economic Development .....	16
Positive Perception with Legal Service Provision .....	16
Positive Perception with Commercial Dispute Settlement.....	16
Positive Perception towards Commercial Laws.....	17
Satisfaction with Companies Registry.....	17
Advantages in International Trade Arrangements.....	18
Collection of Non Tax Revenue and Efficiency Savings .....	18
Program Management .....	18
<b>3. Financial Performance .....</b>	<b>22</b>
Financial Performance for FY2006/07.....	22
Progress on Financial Management Strategy.....	27
<b>4. Progress on Agreed Undertakings.....</b>	<b>30</b>
<b>5. Challenges and Recommendations .....</b>	<b>32</b>
 <b>ANNEXES: Summary Institutional Progress Reports</b>	

## **INTRODUCTION**

The Justice Law and Order Sector (JLOS) has positioned itself to provide an enabling legal and regulatory environment for sectors where investors and the majority of the poor are, as groups with the highest growth potential. Guided by its Strategic Investment Plan for 2006 to 2011 the JLOS focuses its investment on land, family, criminal and commercial justice reforms to facilitate growth for all.

Key milestones over the past six months include processing of bills to improve the current legal framework; construction to increase physical presence of the JLOS agencies countrywide; continued implementation of initiatives that aim to improve service delivery and the regulatory framework e.g. community service. The JLOS also identified key policy concerns that underpin the justice system such as case backlog reduction, land and family justice; and transitional justice. Investment in studies, research and evaluation will enable the JLOS to develop more concrete and targeted interventions.

Overall, the sector has continued to grow through the principle of cooperation, coordination and communication to achieve its objectives under the reform program. The first semi annual progress report for FY2007/2008 covering the period July to December 2007 illustrates an overview of the JLOS performance under each key result area as well as institutional reports.

## **OVERVIEW OF THE SECTOR PERFORMANCE**

### **Rule of law and Due Process**

The JLOS aims to provide a predictable legal framework through law revision and reform processes where updated key laws have either been revised, enacted or are still in the process of reform, while progressive Court decisions have been made and published into law reports and made available electronically. Currently, 61% of legal practitioners and 44% of the business community have access to updated laws. Similarly, publication of law reports has ensured that 94% of lawyers including legal aid service providers have access to case precedents. Although there are high perceptions of the independence of the Judiciary with 64% of the public, 63% of the legal profession, future interventions will focus on addressing the high perceptions of corruption in the JLOS, ensuring professionalism & accountability, and strengthening enforcement of laws and decisions.

### **Human Rights Culture in JLOS**

There is a deliberate allocation of resources to activities aimed at improving human rights respect by the JLOS agencies. Acts of torture and other ill treatment, poor conditions of detention, illegal detentions and delayed trials leading to deprivation of personal liberty are given attention as the highly cited violations by the JLOS. So far, construction and renovation of detention places have improved the prisons structures and increased their capacity by 6%. The combination of initiatives such as community service and increased bail has reduced congestion in prisons by 11%. However, the

percentage drop in the remand population from 62% in 2003 to 57% in 2007 is still far from the desired convict remand ratio of 75:25. Although the welfare of prisoners has been addressed in form of provision of uniforms, feeding in the central prisons, the attention of the JLOS is further required particularly with the former local administration police and prisons. This will be achieved through continued partnership with human rights organizations that are able to provide feedback on where focus is required most.

### **Access to Justice for All**

The JLOS aims to make available and accessible justice to all people in Uganda. The 2007 Sector survey placed 74% of the public as indicating that they knew their rights. Despite this level of knowledge, and the phased efforts to take services closer to the people through increased presence of JLOS institutions countrywide and making available its services, low staff levels and low staff retention have meant that the percentage of cases disposed at the level of the Judiciary is approximately 38%. The inability of the JLOS to expeditiously handle the caseload has meant that lengthy trials translate into long stay on remand that is currently at an average of 30 months. The consequent costs on Government to maintain prisoners; the varied costs to access the justice agencies have driven the sector to review its existing strategy for case backlog reduction. The revised strategy will consider the lessons learnt, good practice from other jurisdictions, the current case loads and peculiar constraints at key stages of the justice system.

### **Crime, Safety of the Person, Security of Property**

The crime rate has risen from 345 in 1999 to 748 crimes committed per 100,000 people in 2006. Efforts to maintain confidence and encourage productive activity and investment in view of this include increased police strength through annual recruitment of Police Constables – hence the current Police Population of 1:870. Building the capacity of the Police to prevent, respond to and detect crime has also yielded increased positive perceptions of police performance by 7% between 2000 and 2007. The impact of the JLOS interventions has also translated into high perceptions of safety: 84% of the public feel safe at home; and a significant improvement from 62% in 2002 to 72% in 2007 who feel safe in public places. However, emphasis in the future will be made on improving the low crime detection rate from 21.4% in 2006 and the conviction rate currently at 30%. This will be achieved by improving the numbers, skills and competences of the CID and prosecutions services.

### **JLOS Contribution to Economic Development**

The JLOS has given the private sector specific attention as the engine for growth to enable them accelerate poverty reduction outcomes. 67% of the business community is now confident in the legal environment following improvements particularly in the commercial justice system. Strategic interventions however are still required to improve the low satisfaction levels with the Land Registry and faster dispute resolution in the

Commercial Court and the Tax Appeals Tribunal, and an expedited commercial law reform that have been going on since 2004.

As the sector continues to implement the reforms within the SIP II framework, it is challenged by a number of factors. Vital aspects for the success of the programme are the need for adequate staffing; sufficient recurrent budgets to sustain investments from the development budget; commitment at political, policy and technical levels; timely disbursement of funds, procurement and progress reporting; all of which remain evidently challenges across the sector. This report raises these concerns in detail with the aim of initiating dialogue and solutions to address them.

## CHAPTER TWO – PROGRESS AGAINST SECTOR OBJECTIVES

### 2.1 PROMOTE RULE OF LAW AND DUE PROCESS

Efforts continue to be made by the sector to promote the Rule of Law by continued law reform and revision and by increasing access to the laws to enhance awareness and ensure due process

#### 2.1.1 Key laws initiated by JLOS that are enacted.

The implementation of the advocacy strategy for the enactment of laws has brought about progress in the area of law reform and 4 of the prioritized commercial laws are now before Parliament. Close co-operation between the ULRC and the FPC has ensured that the process of reform and drafting has been expedited. Through the implementation of the strategy all the prioritized commercial bills have been submitted to Cabinet for consideration at different stages and several are now before Parliament for deliberation. It is anticipated that the bills that have been approved by Cabinet will be enacted by June 2008.

- **Bills under consideration by Parliament:** 4 Bills initiated by the sector currently before Parliament for consideration are the Mortgage Bill No.2 of 2007, the Hire Purchase Bill No.7 of 2007, the Trade Secrets Bill No. 5 of 2007 and the Arbitration and Conciliation (Amendment) Bill No.21 of 2007.
- **Bills that have been approved by Cabinet but await Cabinet authority for publication:** The Geographical Indications bill and the Partnerships bill have been approved by cabinet and are currently awaiting Cabinet authority for publication.
- **Bills before Cabinet for consideration:** Four (4) bills whose principles were approved by cabinet have been finalized and are awaiting Cabinet approval for gazetting are before Cabinet for consideration. These are the Contract bill, the Industrial Property bill, the Chattels Securities bill and the Capital Markets (Amendment) bill.

The principles for the e-Transactions bill, the e-Signatures bill and the Computer Misuse bill have been approved by Cabinet and the final draft bills are being prepared.

- **Completed studies or draft bills:**

The field study on the review of the Children Act has been completed and 10 regional workshops have been held with stakeholders to gather views on the proposed areas of reform.

The Domestic Relations Bill (DRB) has been reviewed and following consultations with stakeholders, the ULRC has prepared two bills on domestic relations. The first

will contain the provisions Civil, Christian, Hindu and Bahai marriages and the second will provide for the establishment of the Qhadhi's Courts to deal with matters relating to Islamic marriage and divorce.

In strengthening institutions to make them more effective in performing their responsibilities, key laws and regulations have also been identified for improvement. The URSB has completed the Amendment of the URSB Act and the Birth and Death Registration Act. The reformed laws will facilitate the process of full devolution of the URSB from the MoJCA.

The UPS has completed a review of the Prison Rules and Regulations and a draft has been prepared for further technical input by the FPC. A draft of the UPS Standing Orders has also been prepared for review by the FPC. The amendments to the existing rules and regulations are intended to align them with the Prisons Act 2006.

- **On-going consultations:** Studies are on going in key prioritised areas. These are development of Legislation on HIV/AIDS and Electronic Funds Transfer.

#### **2.1.2 Increase in access to updated laws and case precedents:**

The sector has continued to invest in enhancing accessibility to the laws and to case references. The ULRC has published 2000 copies of the Revised Principal Laws of Uganda 2001-2004 as well as 1000 copies of the Cumulative Supplement to the Laws of Uganda 2000. The ULRC has also commenced on the preparatory work for the publication of the Revised Subsidiary Laws of Uganda 2001-2004 and it is expected that these will be published by December 2008.

To further enhance accessibility, the ULRC has produced compendia in specific areas to cater for more specialized needs and to provide easy access of relevant laws to meet the needs of various target groups. 500 copies of "*the Grey Book*" have been produced. This publication is a compilation of civil and criminal procedural laws and includes the Penal Code Act, the Magistrates Courts Act, the Trial on Indictments Act and the Civil Procedure Act. These will be distributed free to the key JLOS institutions involved in the administration of justice such as the UPF, Judiciary and the DPP.

The ULRC has also produced 1000 copies of the Revised Constitution and 500 copies of the Compendium of Commercial Laws which comprises of commercial and business laws. It is a useful reference for the Judiciary, Government officers, commercial lawyers, private sector and researchers.

The TAT has produced and published 150 copies of the 2004-2006 volume of digested cases. It is anticipated that case reports will continue to be produced by the TAT, LDC and Commercial Court to provide the necessary tools for Judicial Officers to ensure consistency and certainty in interpretation of legal provisions.

### **2.1.3 Ethics and accountability in JLOS institutions enhanced**

The sector has not yet adopted the anti-corruption strategy that is still with the JSC, which spearheaded the process. The JSC held a national workshop to discuss the draft strategy and a final draft is being prepared. In addition, the JSC is also in the process of producing anti-corruption promotional literature in the form of posters, brochures and fliers.

The prompt hearing and disposal of complaints against Judicial Officers contributes to public confidence in the institutions and promotion of ethical accountable provision of services. The sector through its various institutions has been able to respond to public complaints on a regular basis. During this reporting period, the Inspectorate of Courts carried out 27 inspections and 217 complaints were registered, of which 80% have been dealt with. The Law Council continues to hold weekly sessions to hear complaints against legal professionals. To date the Law Council has concluded 59 cases brought by indigent persons, of which 6 were registered in 2007 and 53 were backlog from previous years. This constitutes 38% of the cases that the Law Council intended to clear this financial year.

The Judicial Service Commission has extended its Public Complaints system by installing more complaints boxes at several district headquarters. The Commission continues to respond to complaints lodged through the complaints boxes. The JSC has entered into Memoranda of Understanding with the Chief Administrative Officers of 32 districts. Through the memorandum of understanding the JSC will receive assistance from the CAO's in receiving complaints. Furthermore the CAO's will assign 1 office to assist complaints by translating their complaints where necessary and reducing them into writing for deposit in the complaints boxes. The officer will also be able to receive urgent complaints and forward these to the JSC immediately. The cooperation between the JSC and the office of the CAO's will enhance the complaints mechanism and make it more accessible to the public.

In the reporting period, 10 cases have been investigated in the districts of Jinja, Hoima and Wakiso. The JSC received 49 new cases and together with the 275 brought forward from 2006/07 had a caseload of 324 cases. Out of these 90 cases have been disposed of, 12 are under hearing.

## **2.2 FOSTER A HUMAN RIGHTS CULTURE ACROSS JLOS INSTITUTIONS**

This financial year the sector continued to work towards raising awareness of human rights among the uniformed officers. It also undertook to improve the welfare and living conditions of officers as well as persons in custody in various sector institutions.

### **2.2.1 Increased Knowledge in human rights by JLOS institutions**

The UPF has conducted training on human rights, ethics and integrity for Police officers and civic leaders. 1400 civic and police officers have been trained at 14 workshops.

There are also plans to train 75 trainers in human rights and constitutionalism and 100 Local Administration Police middle managers will be trained in human rights and constitutionalism. The UPF will also roll out their human rights and complaints desks to 5 regions in the interest of identifying and addressing any human rights violations that may occur.

The Judiciary continues to incorporate human rights education in its general training programme which is conducted by the Judicial Studies Institute.

A more sequenced sector wide human rights training program will be drawn supported through the JLOS development fund (SWAp) rather than leaving training to each institution to handle. This approach will allow institutions to discuss human rights issues drawing from both their institution specific and sector wide challenges.

- **Improvement in Staff Welfare including living conditions of staff**

In improving staff living and working conditions, the sector has supported the construction and renovation of places of detention and staff accommodation.

The UPF is in the process of constructing the Kiboga Police Station and a dormitory at Kabalye Training School. A permanent water system has also been constructed at Kabalye and now provides clean water for the staff and trainees. 700 *uniports* have been procured for 12 districts in the war affected areas which will help to address the concerns around staff accommodation.

UPS is currently undertaking the construction of 8 housing units in Luzira. The target for UPS is to provide each staff with 2 pairs of uniform, and manufacture and issuing is ongoing. As a starting point, all staff are to receive one pair of uniforms and so far 50% of prisons staff have been provided with 1 pair of uniforms each.

- **Congestion in prisons**

Congestion in prisons poses critical human rights concerns for the sector. Overall, prisons continue to accommodate more than twice the total approved carrying capacity. As at September 2007, the growth rate of prisons was 3% and prisons had 9,721 (103%) excess prisoners over and above their approved carrying capacity of 9,428 prisoners. Congestion is more pronounced in some stations e.g. Luzira Upper, Kakiika, Masaka Rukungiri, Kumi, Ragem that are carrying prisoners four times over their approved carrying capacities. However, unlike in the last census when all prisons exceeded capacity, eight prisons that did not exceed their carrying capacity. These included Soroti, Tororo, Patiko, Mbale (W), Kigo (W), Bulaula, Bugungu YO and Masindi (W).

Construction of the prisons to increase their capacity is one way of addressing congestions, while renovation in other instances have transformed dilapidated or temporary structures into permanent and safe places of custody. Renovation of one

ward for female prisoners is on going at Luzira. The facility will accommodate 50 inmates and is expected to reduce overcrowding by 3%. Strengthening detention facilities combined with more warders/warderesses has contributed to a reduction in the escape rate to 15 per 1000 from 20 per 1000 and recaptures were 40 per 1000 as planned. Plans are underway to construct prisons at Gulu, Soroti and Tororo.

In addition to the on-going construction, the sector has also made use of the other mechanisms to reduce congestion in the prisons. The Presidential Committee on the Prerogative of Mercy has considered the cases of 260 condemned prisoners and 25 names have been presented for consideration by the committee.

- **Improved prisoner welfare**

The areas that the sector has laid emphasis on in improving prisoner welfare are feeding, clothing and medical care. In terms of welfare 62% (20,000) of the 32,000 inmates are provided with a daily meal. 10% (222) of inmates receive 3 meals a day. 60% of inmates are now receiving food of improved nutritional value such as vegetables and soya beans.

11% (3,300) of the inmates have received 1 pair of uniform. However inmates have not yet been provided with bedding.

In terms of medical care, 22% (48) of the 222 units have functioning healthcare units. There has however been no change in the annual morbidity rate which remains at 150 per 1000. The annual mortality rate also remains at 6 per 1000.

- **Compliance with Constitutional time limits**

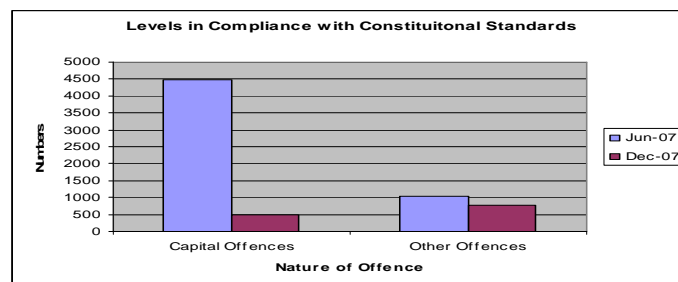
There are still reports of non-compliance with Constitutional time limits and in particular the long period of stay in custody without trial. Recent press reports indicated that inmates in Gulu have petitioned the Commissioner General of Prisons over delays in trial of up to 6 years.

Although steps are being taken to ensure that prisoners are produced in Court, the figures are still disturbing given the available detention facilities. The remand population has increased by 4.2%. The current convicts to remands ratio are 1:1.4 that is 41% to 59% against the acceptable ratio of 75% to 25% respectively.

The September 2007 census placed the overall average length of stay for all remand prisoners at 14 months with the average stay for all capital offenders at 18 months and 5 for other offenders. This does not negate the actual lengths of stay where an individual suspects may have spent longer periods. Overall, it illustrates a reduction in the length of stay on remand for capital offences that was at 23 months in June 2007. When broken down by type of capital offence, on average the stay on remand for a person charged with defilement is 15 months; for murder is 20 months; aggravated robbery is 20 months; rape is 20 months; attempted robbery is 21 months; and for treason is 19 months. The

average length of stay on remand in 2007 was found to be highest in Upper Prison where it was 20 months; in Kigo it was 20 months and Bushenyi it was 19 months prisons. However, most of the prisoners in these prisons are transferred from other prisons.

There has been a reduction in the number of suspects on remand for both capital and other offences that have stayed beyond the statutory period. There were 1,257 suspects who constitute 11% of suspects on remand and broken down as indicated below



- Detention of Juveniles in Prisons

The Prisoner Census confirmed that juveniles are held in prisons contrary to human rights standards that require their separation from adult offenders. A total of 79 juveniles were held in the prisons, thirteen of whom were less than 15 years old.

## 2.3 ENHANCE ACCESS TO JUSTICE FOR ALL ESPECIALLY THE POOR AND THE MARGINALISED

### 2.3.1 Access to JLOS Institutions and Services Enhanced

De-concentrating the services of the sector institutions is still a key strategy to address the current difficulties in accessing services. Construction, recruitment and deployment have been used to bring the services nearer to the end users.

The sector has constructed a regional office for the MoJCA in Gulu. Construction of two regional laboratories for the Government Analytical Laboratory is on-going in Mbale and Gulu while procurement has commenced for the laboratory in Mbarara. The new labs have been equipped with a VSC and an ESDA while procurement of equipment for the Mbale laboratory has been initiated.

The sector also renovated the Juvenile Remand Home and office block in Fort Portal increasing the capacity of the facility to accommodate 20 additional children. The remand home at Fort Portal was provided with one van which will facilitate court attendance by juvenile suspects. Kampiringisa National Rehabilitation centre also

received timber and materials for the re-tooling of its carpentry workshop. The juveniles are therefore able to receiving training in carpentry as part of the rehabilitation process.

The UPF has commenced on the construction of Kiira Police Station and the construction of 7 district police headquarters and barracks in the districts of Amuru, Pader, Katakwi, Kaberamaido, Amuria, Bukedia and Amolatar. The procurement of furniture for the new offices is also under way. The operations of the UPF have also been enhanced through procurement of transport equipment. 48 motor vehicles, 147 motorcycles and 300 bicycles have been procured and distributed to districts in the conflict affected areas.

The UPF is conducting a review to identify current and future policing challenges. A feasibility report has been prepared and discussed with stakeholders. 21 officers have also been trained in data administration and management as part of the process of developing the police data production capacity.

The UPS has recruited 700 warders and wardresses and the new recruits are currently undergoing training. The new recruitment will put the staff: prisoner ratio at 1:5 from the current 1:6. However, there are prisons with much higher warder to prisoner ratios including Gulu (1:21), Luzira Upper Prison (1:13), Jinja (1:10), Kakiika (1:10) Kampala Remand (1:9) among others. Twelve of the Prisons have attained the recommended international warder to prisoner ratios that are within the recommended international warder(ess): prisoner standard of 1:3. The process of integrating the LAPs is still on-going and is expected to be complete by 2010. It involves engagement of a consultant who will provide technical advice following field consultations on the modalities for the integration.

Recruitment of 27 Judges is still pending action by the appointing authority following submission of nominees by the JSC, while JSC has commenced the recruitment drive for 17 magistrates. 8 Grade 1 Magistrates were recruited in November. The MoJCA Gulu regional office has also been staffed and is fully operational

The staff of the GAL has also been undergoing specialized training in various areas including protection against chemical weapons, food safety, forensic science, organic chemistry skills and laboratory management skills.

### **2.3.2 Disposal Rates of Cases in Judiciary – Case Backlog reduction**

The sector has initiated a study to develop a strategy to address case backlog in the Judiciary and other sector institutions. At the 12<sup>th</sup> Government of Uganda/Development partner review, case backlog in the justice system was discussed at length and following these discussions, the sector undertook to develop a case backlog reduction strategy. Consultants have been engaged and a review of the Case backlog Reduction Programme and the Chain linked Initiative is currently on-going. Concurrently to the evaluation the relevant sector institutions are carrying out a physical count of backlogged cases, following criteria based on the performance standards for the various institutions.

The lessons drawn from the review of the Case backlog reduction programme and the chain linked initiative together with the established levels of case backlog will inform the strategy that is yet to be revised. It is also expected that the physical count of cases will provide a relatively accurate baseline to measure future reduction against and to evaluate the revised strategy.

The sector has in the meantime continued to work to address case backlog through alternative methods such as ADR and the use of special sessions. A total of 23 sessions were held by the various divisions of the High Court and 534 matters were completed out of 784 matters.

**Table A: Court Performance – July 2007- December 2007**

<b>Court</b>	<b>Type of case</b>	<b>B/F</b>	<b>Filed</b>	<b>Total</b>	<b>Completed</b>	<b>Pending</b>	<b>% Disposed</b>
Supreme Court	Civil appeals	-	-	-	-	-	
	Criminal appeals	-	-	-	-	-	
	<b>Sub-total</b>	-	-	-	-	-	
Court of Appeal	Civil appeals	522	19	<b>541</b>	8	533	
	Civil Applications	113	41	<b>154</b>	7	147	
	Criminal appeals	1515	39	<b>1554</b>	61	1493	
	Criminal applications	93	24	<b>117</b>	2	115	
	Constitutional petitions (Cases)	33	8	<b>41</b>	4	37	
	Constitutional Cases (Applications)	25	5	<b>30</b>	2	28	
	Election Petitions (Appeals)	44	12	<b>56</b>	18	38	
	Election petition (Applications)	20	18	<b>38</b>	7	31	
	<b>Sub-total</b>	<b>2365</b>	<b>166</b>	<b>2531</b>	<b>109</b>	<b>2422</b>	<b>4.3%</b>
High Court	Civil suits	11311	959	<b>12270</b>	485	11785	
	Criminal cases	3865	530	<b>4395</b>	236	4159	
	Commercial cases	2068	444	<b>2512</b>	398	2114	
	Family matters (Family & divorce causes)	3429	546	<b>3975</b>	287	3688	
	Land matters	3426	289	<b>3715</b>	113	3602	
	<b>Sub-total</b>	<b>24099</b>	<b>2368</b>	<b>26,867</b>	<b>1519</b>	<b>25348</b>	<b>5.7%</b>
C/M	Civil suits	5436	1358	<b>6,794</b>	580	6214	
	Criminal cases	16248	3701	<b>19,949</b>	3613	15972	
	Family cases (Family & divorce causes)	1163	371	<b>487</b>	296	1238	
	Land cases	224	22	<b>246</b>	7	239	
	<b>Sub-totals</b>	<b>23071</b>	<b>5452</b>	<b>28,523</b>	<b>4496</b>	<b>23663</b>	<b>15.8%</b>
<b>G1 Courts</b>	Civil suits	1974	488	2,462	464	1998	
	Criminal cases	9805	5669	15,474	5261	10213	
	Family matters	585	212	797	171	629	
	Land matters	959	250	1,209	171	1038	
	<b>Sub-totals</b>	<b>13323</b>	<b>6619</b>	<b>19,942</b>	<b>6067</b>	<b>13878</b>	<b>30.4%</b>

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

The sector has continued to support the development of the Local Council Courts are useful tools for dispensing justice at the grassroots level. During the course of this financial year, 2,460 L.C III Court officials have been trained 22 districts. Furthermore the Ministry of Local Government was supported to procure equipment and sets of the revised Laws of Uganda to improve the work of the Local Council Courts.

The ULRC is preparing a simplified version of the Local Council Courts Act and the draft has been pre-tested in 5 regional workshops. The simplified draft will then be translated into Ateso and Luo for greater access by the public.

### **2.3.4 Increased knowledge of rights and duties**

The JSC continues to carry out publicity and civic education activities on behalf of the sector. One regional publicity workshop was held in Hoima and 2 more workshops are to be held in Masaka and Mukono. Workshops have also been held at the district level in Kyenjojo, Mubende, Busia, and Kayunga and at sub-county level in 8 sub-counties in each of the districts of Mbarara, Arua, Rukungiri and Nebbi. The JSC has conducted radio talk shows on Radio West, Radio Paidha, Kyoga Veritus and Rwenzori FM. These programmes reach a wide range of listeners and offer them an opportunity to interact through call-in sessions.

The Citizen's handbook is under print. 10,000 copies are to be published for dissemination and a popularization campaign will be carried out. The JSC has also produced assorted IEC materials such as posters, unframed charts and aluminium board charts. These have been distributed to various Courts in the districts of Kampala, Wakiso, Mukono, Masaka, Mpigi, Nakasongola, Masindi, Hoima, Kibale, Bundibugyo, Kabarole, Mbarara, Ntungamo, Rukungiri, Mubende, Mityana, Kiboga, Jinja, Iganga, Kayunga, Bugiri, Busia, Nebbi, Paidha, Tororo Gulu, Pader, Mbale, Kitgum, Amuru, Bukedea, Apac, Amolatar, Kumi, Lira, Oyam, Katakwi, Dokolo, Kaberamaido, Soroti, Kapchorwa, Sironko, Pallisa and Kamuli.

A client charter has been developed and disseminated for the commercial division of the High Court and plans are underway to provide similar charters for the Supreme Court and other specialized divisions of the High Court. The charter provides information to the public on the services provided, the procedures to be followed and guidelines on what the public should expect from the public as well as information on where to raise complaints or queries. The Judiciary now has an established public relations office and 20% of the Courts have information desks. These are to be established in all the Courts.

## **2.4 REDUCE INCIDENCE OF CRIME; PROMOTE SAFETY OF THE PERSON AND SECURITY OF PROPERTY.**

### **2.4.1 Crime prevalence:**

The total number of cases reported to the Police in the six months under review is 123,741. This marked a 33.4% increase in reported crime from 117,759 cases reported in January to June 2007. The increase in reported crime does not logically represent the levels of crime. However, they may be attributed to public awareness of the role of the UPF through community policing activities, improved perceptions of UPF role in preventing and responding to crime, and increase in economic activities among others.

#### **2.4.2 Increased security of property and safety of the person**

The UPF have been facilitated to improve their operations in order to improve their response to crime and their crime prevention strategies.

The UPF has trained 101 CID and Special Branch (SB) personnel in detection of crime and post blast investigations. It should be noted however that the training with regard to CID are for personnel who are already in service and not new recruits. Furthermore, despite the on-going training, the current staffing levels in the CID have dropped from approximately 2,624 in 2006 to 2603 today and as a result the workload for the existing staff has increased. The current caseload per CID Officer which is targeted to reach 1:12 per year, has dropped to 1:47 from 1:37. This has affected the ability of the UPF to carry out effective investigations and is therefore hampering disposal of cases before Court.

Steps have been taken to improve the services of the CID by procuring equipment to facilitate investigation. Discussions are also underway between Cabinet and the Ministry of Public Service on the proposed macro structure of the UPF that will increase CID officers to 20,023 and fill the 87% staff shortfall. The UPF has procured 40 desk computers, 24 laptop computers, 20 digital cameras, 10 video cameras and 5 photocopiers for the CID and stationery has been provided for 100 police posts, ASTU and other units in the conflict affected regions.

The UPF is currently training 4500 PPC's and 450 cadets and this is expected to improve the current police: population ratio to approximately 1:800 from the current 1:873. 4000 ASTU SPC's and 100 commanders have been deployed at the cattle rustling corridor in the Karamoja region during the period. As a result, cattle raids have reduced by 80% and rustled animals have been recovered. Furthermore a big percentage of the displaced persons have been able to return home.

The UPF has also trained 30 middle managers in strategic management and 78 police riders and 140 police drivers on driving and escorting dignitaries. 14 workshops were held for 1400 civic and police officers on Human Rights and ethics and integrity and 40 CFPU personnel have been inducted and deployed to 40 police units.

The UPF has constructed a pier at Kigo to monitor water crimes and improve surveillance on Lake Victoria. 4 patrol boats were repaired and deployed on the lake. The Police force has been equipped with anti-riot equipment to improve the ability to handle riots and it has also procured 4 fire trucks and assorted fire fighting equipment to

improve its responsiveness to fires and related emergencies. As part of its re-tooling the UPF intended to repair one helicopter. No repair was done, but instead plans are underway to procure a new helicopter on favourable terms and a deposit has been made. The helicopter is expected to be delivered in April 2008. This will improve aerial surveillance and enable quick response to emergencies.

The UPF continues to procure equipment to improve its surveillance and enhance general safety of the public. Procurement is on-going for 100 base radio stations for quick and accurate communication in 50 police stations and 50 police posts. 50 VHF base stations have been procured and installed and 5 VHF mobile, 50 VHF portables and 5 HF base stations have been procured. These have been assigned to the conflict affected areas in addition to boosting the operations of the police in the northern and north eastern region by providing stationery to all the regions as well as allowances, airtime and filing cabinets to secure data. Procurement is on-going for 100 SOCO kits for investigations and surveillance and CCTV systems have been installed in strategic security monitoring points the City of Kampala.

### **Reduction in the rate of recidivism**

The rate of rehabilitation of inmates is still insufficient and only a small fraction has been reintegrated into society. The rate of recidivism remains at 43%, 3% less than planned. Only 392 of the planned 600 offenders were safely and effectively reintegrated into society. UPS had planned to prepare 750 offenders for release, but only 200 were prepared. 950 have however attended both formal and informal education while in detention.

## **2.5 JLOS CONTRIBUTION TO ECONOMIC DEVELOPMENT**

### **2.5.1 Positive perception towards the legal practitioners serving the private sector**

The sector has continued to work towards improving the capacity and the effectiveness of legal professionals in the area of commercial justice. To this end the sector has supported the Uganda Law Society to conduct training for private lawyers in various areas of commercial law and practice management to enhance their capacity to provide quality services. It is expected that with a more effective and professional body of lawyers working in the area of commercial justice, there will be improved quality of service provided and greater support to private enterprise. A better trained commercial bar may also contribute to reduction in case backlog by improving the quality of other legal services such as advisory and consultancy services.

Part of the training for lawyers this financial year has also dealt with Alternative Dispute Resolution which is expected to take a more prominent place in the commercial justice dispute resolution process. The Judicature (Commercial Court Division) (Mediation) Rules, 2007, provide for mandatory reference of all actions brought before the

Commercial Court to mediation. This gives parties the opportunity to settle disputes through discussion and will ensure that the Court is freed to deal with those matters that cannot be resolved amicably. It is expected that this will also contribute greatly to reducing backlog in the Commercial Court.

During the financial year, training for lawyers has been conducted in various areas of commercial law including Finance and Business management, Understanding and Analysing Financial Statements, A Guide to Investment and Corporate Governance, Practice Management and Alternative Dispute Resolution.

This financial year training programmes have been conducted in regional workshops around the country to facilitate participation from those outside of the Capital and to also promote awareness of the legal profession and the sector.

### **2.5.2 Positive perception towards the Commercial Dispute Resolution Mechanisms**

There has been progress in the area of improving the commercial justice dispute resolution system. The construction of the custom built commercial court is now on track and work is expected to be completed by June 2008. Training programmes for the Judges and Registrars of the Commercial Court is on-going including benchmarking visits to other Commercial Courts in Ghana and Tanzania. The Judicature (Commercial Court Division) (Mediation) rules was well received by legal practitioners at a training workshop organized by the Commercial Court. It is anticipated that the use of mediation will speed up the dispute resolution process and allow parties reach mutually beneficial settlements within a much shorter time and allow Judicial Officers to concentrate on matters that require in-depth litigation.

The Commercial Court registered 444 new cases in the reporting period and has been able to reduce the process of trial from 8 months to 6 months.

The Tax Appeals Tribunal registered 198 applications worth Shs. 138.8 billion by October 2007 and has been able to dispose of 118 of the applications, giving a disposal rate of 59.5%. In order to enhance awareness and appreciation of its services, the TAT has conducted 2 regional workshops in Gulu, and Mbale. The TAT intends to extend its operations to regional offices as it is currently confined to Kampala and is inaccessible to up-country tax payers.

### **2.5.3 Positive perception towards the Commercial Laws**

As indicated under Key Result Area 1 substantial progress has been made towards reforming the commercial laws, with a view to providing a more appropriate and conducive legislative climate for investment and private sector growth. The concerns of the private sector with regard to the current legislative regime will be adequately addressed through the legislative reforms which are in advanced stages of enactment.

It is noted, however that there is still need to expedite the process of enactment of laws and to this end, particularly in the case of commercial laws, the legislative reform strategy is crucial. The private sector continues to call for an overhaul of the legislative regime governing business and investment and the conduciveness of the business climate continues to be compared unfavourably due to the existing legal regime. By September 2007, Uganda was rated behind Kenya and Tanzania in the Global Competitiveness Index and it was noted that one of the major concerns for Uganda is the Rule of Law<sup>1</sup>. Representatives from the private sector emphasized the need for more work in the area of improving the legal and regulatory regime in order to improve growth and competitiveness. Emphasis was placed in the areas of Unfair Competition and Counterfeits<sup>2</sup>. Draft legislation has been prepared in these two areas by the ULRC and is now before Cabinet for consideration. Key stakeholders including the Uganda Investment Authority, continue to call for a speedy reform of the commercial laws regime so as to address the needs of the private sector and to encourage increased investment.

The sector, through the Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs has taken determined steps to ensure the enactment of modern and relevant commercial laws in key areas. (A status of the progress on commercial bills is annexed to this report).

#### **2.5.4 Satisfaction with the Services by the Uganda Registration Services Bureau**

Steps continue to be taken towards the full devolution of the Uganda Registration Services Bureau (URSB) from the MoJCA. A draft Cabinet Memorandum with principles for the amendment of the URSB Act has been prepared and is now ready for submission to Cabinet. Consultations are on-going for the amendment of the Birth and Death Registration Act and a stake holder's workshop is scheduled to be held in the 1<sup>st</sup> week of February 2008.

The URSB databases on companies, trademarks and births and deaths are being automated with information being entered into the databases. To date 6,419 companies have been entered onto the computerized data index. 14,758 Trademarks files have been entered in the index and 111,983 births and deaths have been entered.

The facilities of the URSB are also being updated with improved office space and securing of the data on the computers.

#### **2.5.5 Perception towards the entire commercial justice system**

There are continued calls from Private sector, the Government agencies in the competitiveness sector and the business community for further improvement in the area

---

<sup>1</sup> Enhancing Competitiveness through Public-Private partnerships: "From Strategy to Action" – A report on Uganda's 2<sup>nd</sup> National Forum on Competitiveness. Pg.4

<sup>2</sup> Ibid pg.9

of commercial justice. Areas of key concern are prioritization and speeding up of the reform of key commercial laws particularly the intellectual property laws, counterfeits, Free Zones, e-Signatures, devolution and reform of the URSB, protection of intellectual property rights, enforcement of property rights, good anti-trust laws and overall respect for law and order<sup>3</sup>. The stakeholders have also raised concerns regarding the tax dispute settlement system and related dispute mechanisms and registries with particular reference to the Land Registry and Land dispute settlement mechanisms.

### **2.5.6 Taking advantage of international trade arrangements especially in the EAC**

The sector continues to participate in the negotiation and development of regional trade agreements at various levels and in different capacities. The MoJCA and the ULRC have participated in meetings of various taskforces and committees of the EAC.

The staff of some sector institutions have also received specific training to enable them better appreciate the relevancy and operation of regional and international treaties. URSB trained staff in appreciation of international treaties on trade and intellectual property.

### **2.5.7 Non Tax Revenue (NTR) Collection and Efficiency Savings**

URSB collected 1,791,481,588/= from companies, trademarks, documents, patents, business names, search and certification fees and 4,144,297/= from registration of births & deaths).

UPF collected 1,136,537,831/= from the Express penalty scheme which is 33% of the total projected NTR collection for the financial year.

UPS increased its NTR collection by 15%. 1800 acres of maize planted yielded 1600 metric tonnes of food. They also harvested 100 tonnes of cotton the total NTR from crops was 1,400,000,000/= .25,000,000/= was raised from prisoners engaged in various agricultural skills training and 125,000,000/= was generated through increased offender training in vocational skills.

#### **Efficiency savings**

Phase 1 of the construction of the UPF headquarters is underway at the former police airfield. On completion this will translate into efficiency savings of Shs.70m per month which is the current monthly expenditure on rent at the present headquarters.

## **2.6 PROGRAMME MANAGEMENT**

### **2.6.1 Sector wide survey**

---

<sup>3</sup> Ibid. Pgs. 10, 13 & 15.

The sector carried out a survey to establish baselines for the level of demand for justice, access to justice and the use of justice delivery services. The final report of the survey, which will be submitted to the sector in February for publishing also raises key issues and concerns in the justice system, civic and legal education of the public, and perceptions on justice delivery in Uganda that have informed the planning and budgeting for FY2008/2009.

### **2.6.2 Integrated studies in land and family justice**

The integrated studies on land and family justice have been completed and a draft final report has been prepared for consideration by the Sector. The study will guide the sector in prioritizing and sequencing interventions in the thematic areas of land and family justice based on the concerns raised by the public and with a view of ensuring impact.

### **2.6.3 JLOS management structures**

Several meeting of the management structures at the Steering and Technical Committee, and Working Groups have been held to discuss pertinent concerns raised by stakeholders as well as challenges in the SIP II implementation. The Land and Family Justice Working Groups whose representatives are new to the sector discussions have not met as regularly as the Commercial and Criminal Justice working groups. Institutional participation has also been varied with the UPF registering the lowest at all levels and also a declining participation of the DPP.

## CHAPTER THREE – FINANCIAL PERFORMANCE

### 3.1 Financial Performance for 2007-08

#### 3.1.1 Introduction

The report of financial performance of the sector over the years covers both the recurrent and development budget of the institutions that are vote holders. An analysis of the financial performance of the sector in the first half of the FY 2007/2008 is made including the performance of the JLOS Development Fund (SWAp).

The recurrent and GoU capital performances of Ministry of Local Government and Ministry of Gender, Labor and Social Development have not been included in the report as they do not belong to the mainstream JLOS.

The JLOS Development Fund (SWAp) is no longer PAF protected raising fears of under performance over the medium term.

#### 3.1.2 Overall Sector Performance (2003/4 – 2007/08 and projections for 2008/2009)

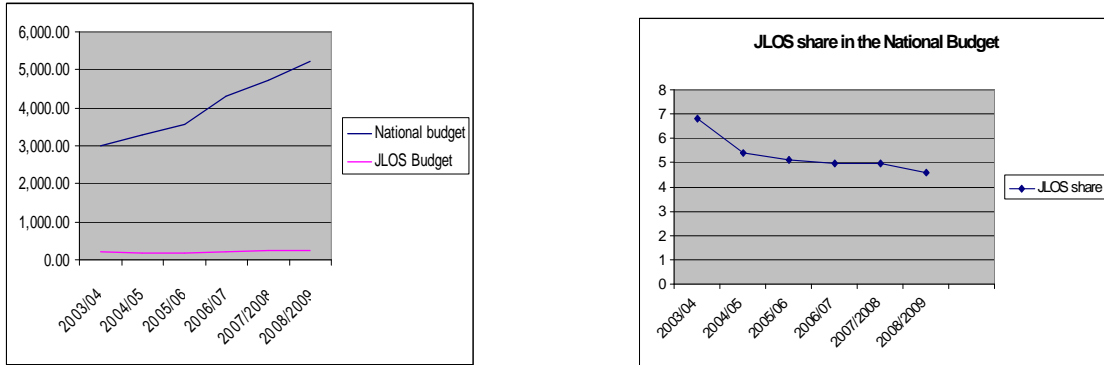
Table1 and Figure1 and Figure2 below show the JLOS share of the national budget over the last 5 years and projection for 2008/2009

**Table1: Consolidated National and JLOS Budget Performance**

Financial Year	Total National Budget (Shs billions)	JLOS Total	% share
	a	b	
2003/2004	2,990.1	203.16	6.80
2004/2005	3,274.7	177.22	5.40
2005/2006	3,548.7	181.88	5.10
2006/2007	4,289.0	212.67	4.95
2007/2008	4,734.4	234.56	4.95
2008/2009	5,239.3	240.57	4.60

Source: Ministry of Finance Approved Estimates Book

**Figure1: Share of JLOS Allocation of National Budget**



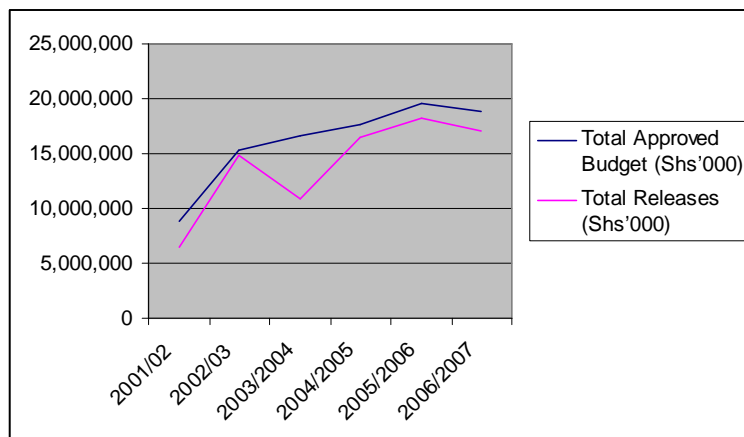
Over the years the sector share in the national budget has continued to fall from 6.8% in 2003/2005 to a projected 4.60% in 2008/2009. This is despite the increasing challenges of growing case backlog, rising population and cost of delivering services. From the above figure it can be seen that the national budget has increased both in real and absolute terms but the JLOS share in real terms has continued to decline. This trend must be reversed if the sector has to maintain the same level of service delivery and cope with growth in public administration structures, the deterioration in infrastructure country wide notwithstanding.

Annual wage and non-wage recurrent releases have performed at nearly 100%,

**A historical JLOS SWAP Budget performance**

FY	Total Approved Budget (Shs'000)	Total Releases (Shs'000)	JLOS outturn (%)
2001/2002	8,790,000	6,520,000	74.18%
2002/2003	15,230,000	14,800,000	97.18%
2003/2004	16,690,000	10,820,000	64.83%
2004/2005	17,580,000	16,470,000	93.69%
2005/2006	19,590,000	18,250,000	93.16%
2006/2007	18,890,000	17,030,359	90.16%
2007/2008	19,590,700	9,455,130,	48.3%
2008/2009	19,570,000		

**Figure3: JLOS Budget Outturns for FY's 2001/02 - 2006/07**



Though there has not been any profound growth in the sector SWAp development fund over the years, over the last 3 years, the JLOS outturn has been fairly stable, and the sector has recorded over 90% average outturn therefore implying that it is able to realize 90% implementation of the approved work plan. This was made possible by the PAF protection. With in the first half of the financial year the sector has received over 9bn of the approved 19.5 billion. This is 48% of the approved budget that translates into a 92% projection in line with the PAF protection.

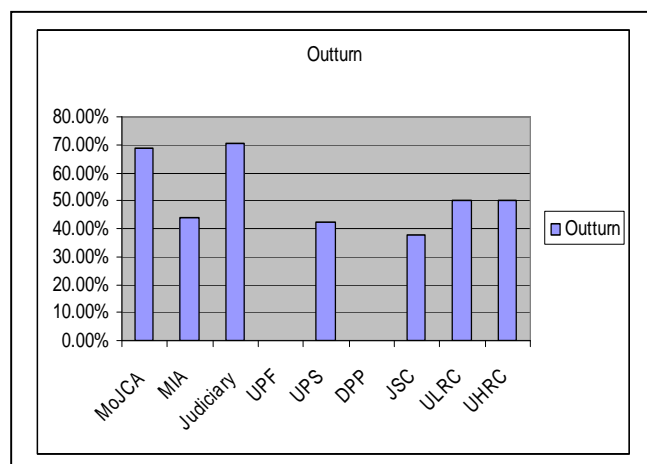
### 3.1.3 Highlights of Performance for 2007/08

#### 3.1.3.1 Recurrent

Majority of the sector institutions have recorded an outturn of about 50% of the wage which is 100% of the expected six month budget. The poor performing institutions were JSC and MIA. However it is important to note that all staff of the said institutions have continued to receive there wages. Some institutions such as MoJCA and Judiciary have performed beyond expectation over the reporting period.

#### Wage

Institutions	wage		
	Approved Budget	Total Releases	Outturn
MoJCA	3.225	2.211	68.5%
MIA	2.248	0.981	43.7%
Judiciary	12.555	8.841	70.4%
UPF	63.504		



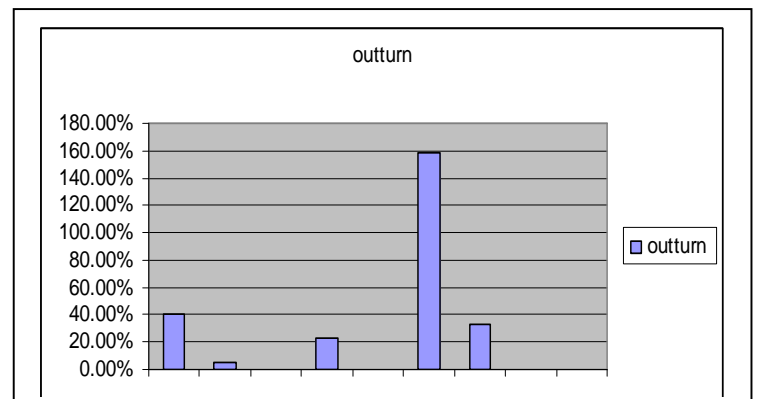
UPS	19.604	8.286	42.3%
DPP	3.01		0.0%
JSC	0.55	0.206	37.5%
ULRC	0.56	0.28	50.0%
UHRC	1.83	0.915	50.0%

### Non Wage

The outturn of the non wage budget has been considerably poor especially for the Judiciary raising concerns of operational efficiency.

Institutions	Non Wage		
	Approved Budget	Total Releases	
MoJCA	7.884	2.158	27.4%
MIA	9.179	3.928	42.8%
Judiciary	7.67	0.639	8.3%
UPF	42.95		
UPS	20.022	9.168	45.8%
DPP	1.680		
JSC	0.952	0.472	49.6%
ULRC	1.590	0.795	50.0%
UHRC	1.310	0.655	50.0%
LDC	1.180		

### 3.1.3.2 Development Budget



Institutions	GoU Capital		
	Approved Budget	Total Releases	
MoJCA	0	0	0.0%
MIA	0.568	0.233	41.0%
Judiciary	9.026	0.415	4.6%
UPF			
UPS	1.440	0.325	22.6%
DPP	0.300		0.0%
JSC	0.100	0.159	159.0%
ULRC	0.100	0.033	33.0%
UHRC	0.200		0.0%
LDC	-	-	-

#### JLOS Development Fund FY 2007/2008 Institutional Allocations

Institution	2007/2008	2006/07 Shs (000)	2005/06 Shs (000)
Ministry of Justice and Constitutional Affairs	1,656,000	1,733,364	1,961,638
Ministry of Internal Affairs	2,177,006	2,513,400	1,498,310
Ministry of Gender, Labour & Social Devt.	185,000	270,000	115,574
Ministry of Local Government	295,000	100,000	335,100
Judiciary	2,865,000	2,334,000	3,164,968
Uganda Police Force	2,065,000	2,798,564	2,760,006
Uganda Prisons Service	3,191,000	3,462,079	2,584,300
Directorate of Public Prosecutions	1,433,000	1,370,500	1,698,708
Chain Linked Initiative Programme	682,600	550,000	350,000
Uganda Registration Services Bureau	215,000	185,000	373,695
Uganda Law Reform Commission	910,000	832,500	1,240,037
Judicial Service Commission	813,000	495,000	665,500
Tax Appeals Tribunal	155,000	90,000	121,000
Centre for Arbitration and Dispute Resolution	350,000	310,000	125,000
Law Development Centre	460,000	450,000	0
Uganda Law Society	156,745	165,000	278,280
Programme Management	1,981,344	1,230,593	2,317,834
<b>Total</b>	<b>19,590,695</b>	<b>18,890,000</b>	<b>19,589,950</b>

### Six month JLOS Development Budget Outturn

Releases to the JLOS development fund stands at 48.2% which would translate into 96% of the projected annual performance over this period, reflecting the PAF status.

The highest performing budget lines include non residential building and the budget lines that support case backlog reductions programmes. This arises because the sector has placed more emphasis on addressing the de-concentration of service delivery and reduction in case back log in the mainstream justice system.

Item Description	Annual Estimate	Total Releases	%age Outturn
General Local Salaries	60,000	30,000	49.50
Allowances	2,996,200	1,530,000	51.07
Staff Training	3,276,700	1,553,800	47.42
Printing, Stationery, binding	1,237,700	695,000	56.15
General Supply Goods & Svcs	2,588,100	1,529,330	59.09
Consultancy Services-Short-term	70,000	0	-
Consultancy Services-Long-term	651,300	333,000	51.13
Maintenance - Vehicles	737,600	333,000	45.15
Maintenance - Machinery & Equipment	364,400	171,000	46.93
Non-Residential Buildings	1,890,000	1,370,000	72.49
Residential Buildings	2,086,000	450,000	21.57
Transport Equipment	1,670,000	855,000	51.20
Machinery and Equipment	1,532,100	435,000	28.39
Furniture & Fixtures	430,000	170,000	39.53
<b>Total (Inclusive of item 312204)</b>	<b>19,590.7</b>	<b>9455.13</b>	<b>48.26</b>

### Six Month Releases to sector institutions 2007/2008

The SWAP Development funds are released directly to sector institutions in line with the financial management strategy. Disbursements to each institution is well above 40% and emphasis has been placed on the need to ensure completion of key activities at the institutional level while emphasizing absorptive capacity of the institution in light of other on going programmes

Institution/Programme	Approved budget '000	Release '000	% age outturn
Ministry of Justice & Constitutional Affairs	1,656,000	902,000	54.5
Ministry of Internal Affairs	2,177,000	1,150,000	52.8
Ministry of Local Government	185,000	80,000	43.2

Ministry of Gender, Labour & Social Devt.	295,000	130,000	44.1
Judiciary	2,865,000	1,471,900	51.4
Uganda Police Force	2,065,000	1,125,000	54.5
Uganda Prisons Service	3,191,000	1,380,000	43.2
Directorate of Public Prosecutions	1,433,000	655,000	45.7
Uganda Law Reform Commission	910,000	585,000	64.3
Judicial Service Commission	813,000	440,000	54.1
Uganda Registration Services Bureau	215,000	153,200	71.3
Law Development Centre	460,000	300,000	65.2
Tax Appeals Tribunal	155,000	95,000	61.3
Chain Linked Initiative Programme	682,000	340,000	49.9
Centre for Arbitration and Dispute Resolution	350,000	160,000	45.7
Uganda Law Society	156,800	69,600	44.4
Programme Management	1,981,300	448,500	22.6

### **3.2 Commitment to improving administration of justice in conflict affected areas**

During 2006/2007 the sector directly spent 19.8 % of its SWAP budget on activities in conflict affected areas including construction of regional offices for MoJCA in Gulu, GAL laboratory in Gulu, a Prison, DPP offices and courts in Pader, Pallisa among others. This was in addition to other interventions such as the Emergency Humanitarian Action Plan through which the UPF received shs8bn, the MoJCA, the Judiciary, the DPP and the UPS received a total of 1.3bn. Another shs19bn was made available to the UPF by the Netherlands Government, while the ministry of local government was supported by UNDP to undertake capacity building programmes for local council courts in northern Uganda.

This financial year the sector is committed to supporting priority interventions to ensure a holistic approach to the administration of justice. As such the sector has committed about 30% of its development budget to conflict affected areas in addition to direct interventions from the Netherlands to the tune of 5million Euros to further the PRDP.

## **CHAPTER FOUR – PROGRESS AGAINST UNDERTAKINGS**

### **4.1 Adopt a detailed and budgeted strategy by December 2007 to reduce the case backlog in the Courts of Judicature.**

There was need to establish the actual cases that constitute backlog within the mainstream justice system. Physical counts of cases are on-going to establish where the key constraints are to inform the strategy.

### **4.2 Revise targets for commercial case backlog reduction and criminal justice average stay on remand by January 2008; and establish targets for family and land justice case backlog reduction by March 2008.**

A mini-survey is on-going to inform targets for criminal justice. Physical caseload counting is on-going to inform the baseline and hence targets.

### **4.3 Fill all declared vacancies for judicial Officers at magisterial level by December 2007.**

The Judiciary declared 28 vacancies 11 Chief Justices and 17 Magistrates Grade 1 in November 2007. The process of filling the vacancies in early 2008 is on-going.

### **4.4 Reduce pending cases against Judicial Officers (188 as at June 2008; i.e. 41 before the JSC disciplinary Committee and 147 under investigations).**

Pending cases against judicial officers reduced by 45% from 188 to 102. (34 before the JSC Disciplinary Committee and 68 under investigation).

### **4.5 Fully establish JLOS Coordination Committee and integrate parallel JLOS Structures (such as chain linked, Community Service, Case back log and Court Users Committees) by December 2007.**

Case backlog has been integrated into the Technical Committee and the Working groups. The Court User Committee have been integrated as institutional feedback structures.

The JLOS Co-ordination committees are to be constituted starting in northern Uganda.

### **4.6 Introduce to Cabinet the Arbitration Act by January 2008.**

The Arbitration and Conciliation (Amendment) Bill No.21 of 2007 was tabled in Parliament in December 2007 and is now before the Legal and Parliamentary Affairs Committee.

**4.7 Finalise integrated studies on land and family justice by December 2007.**

The draft final report was submitted in December 2007.

**4.8 Finalise institutional strategic investment planning by October 2007.**

Almost all the sector institutions have finalised their strategic investment plans. Only that of the UPF is outstanding.

**4.9 Finalise, as part of the Financial Management Strategy, a value for Money audit in the area of construction by June 2008.**

Procurement for a firm to conduct the value for money audit will be done in February 2008.

## CHAPTER FOUR – CHALLENGES

1. **Inadequate Staffing:** The work load in the sector has increased following the increase in reported crime and the 5% growth rate of reported cases into the judiciary. The physical de-concentration of offices countrywide also requires staff to man them. The de-concentration of offices and the growing work load in the sector has not been proportionately matched with the staffing levels in the JLOS particularly for Judges, Magistrates, CID officers, state attorneys in the MoJCA and the DPP. Despite the available wage for Judicial officers and state attorney in the DPP, the appointment for Judges and the requisite approval from Public service respectively have delayed efforts to fill the vacancies. Approvals for revision of establishments e.g. the Law Council and the Administrator General mean that no more staff can be recruited. The ability for the JLOS to handle the existing work load and manage the growing levels is dependant on the pace of approval and recruitment that are beyond its control.
2. **Slow Procurement:** Delays in procuring goods and services has been experienced across the JLOS particularly with the MoJCA, UPF, MIA and UPS. This has affected timely implementation of activities since institutions have to carry forward activity implementation from one financial year to another. Where funds are made available in the third or fourth quarters, delays in procurement render it difficult for institutions to issue letters of credit to protect utilized funds at the end of the financial year.
3. **Inadequate JLOS Recurrent Budget:** The investments under the JLOS reform programme, and also those under the EHAP and the PRDP intended to improve JLOS presence in conflict affected areas require corresponding recurrent budgets for wages of recruited staff and officers, as well as operations. The M&E visits showed that vehicles were grounded owing to lack of operational funds, while a remand home was not functional because there was no staff. To have the recurrent budget increased means that the JLOS MTEF must proportionately be lifted. Currently, the recurrent budget is insufficient to sustain these investments and to provide meaningful service to the public.
4. **Removal of PAF Protection:** As far as 2003/2004, the financial performance of the JLOS Development Fund was at 45%, making it difficult for the JLOS to meet its core obligations under its Strategic Investment Plan. Since it was granted PAF Protection in 2004/2005, the performance improved to 95%. However, under the ongoing PAF reforms, the Budget Call Circular for FY 2007/2008 provides that the JLOS Development Fund is no longer PAF protected. This does not guarantee the current level of performance nor ensure predictability in disbursements that is essential for effective implementation of the reforms. Until this position is addressed, it will threaten the ongoing reforms and contravene financial agreements with development partners where Government of Uganda undertook to comply with PAF commitments.
5. **Reduction in JLOS Allocation:** (It is reflected in the Financial component. I suggest that we extract it from the financial and incorporate it in the challenges section which refers to overall challenges)

6. Low Private Sector Participation: Formal and designated avenues were introduced at the Commercial Justice Working Group, the JLOS Coordination Committees at local level and User Committees for private sector participation where their concerns could be raised and solutions sought. However, unlike CSOs, private sector representatives (Private Sector Foundation and MTCS) have not used these avenues to engage with the JLOS at the Working Group, rather at the Commercial Court and URSB User Committees. This gives limited input for discussion on private at a sector level.
7. Integration of New Interventions/Projects into JLOS: Since the JLOS started implementing the SIP II, several projects and interventions have been introduced bilaterally with the institutions such the Police and the MIA (Focal Point, Community Service). Contrary to the policy guideline that such interventions must be discussed by the sector to enhance ownership and to ensure that they support the priorities of the sector, the practice has the potential to shift focus from the core reforms to new interventions.
8. As part of the last review it was agreed that the sector secretariat would be integrated into the IFMS to monitor utilisation of sector funds. An IFMS terminal is yet to be installed at the secretariat. This still does not give the secretariat enough authority to effectively manage the JLOS Development budget (SWAp).