



JUSTICE LAW AND ORDER SECTOR

HIGHLIGHTS OF THE SECOND STRATEGIC INVESTMENT PLAN (SIP, II) 2006/07 TO 2010/2011

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Introduction

The Justice Law and Order Sector (JLOS) was established in 2000 following Government commitment to improve the weaknesses in the justice system, using a sector wide approach. Several development partners supported Government initiative by financially supporting the reforms that were identified, prioritised and costed into a Strategic Investment plan that JLOS implemented from 2001 until 2006.

The sector adopted a long term perspective to the process of reform. Hence, the JLOS adopted a Second Strategic Plan in August 2006, which it is currently implementing to continue the reforms that were started in 2001.

Values Underpinning the Planning Process

The sector began its planning process of the second plan when it commissioned a mid term evaluation of the first strategic plan in 2004. The planning process was concluded when the second plan was adopted as the Sector's five year development strategy document in 2006.

In developing the SIP II, the sector adopted a participatory process. Consultations were held with all key stakeholders within the sector and outside the sector through a series of interviews, meetings, focus group discussions and workshops at regional and national level. The external stakeholders consulted included civil society organizations and the private sector and other sectors of Government and statutory bodies.

The SIP, II was built on the processes and lessons that the sector learnt during its implementation of the first plan. In this sense, the SIP, II consolidates and builds upon the first plan by strengthening its strategies and addressing weaknesses identified during the evaluation.

The sector also took into account the national framework within which the JLOS must feed into and contribute. The reason to continue the reforms were still based on the need to meet the set minimum standards in the Constitution of the Republic of Uganda for an efficient and effective justice system. It was also premised on the recognition that a justice system ensures safety of the person and security of property, which are vital and necessary to provide an enabling environment for productive activity, investment and competitiveness. Hence the SIP, II address poverty eradication directly through Pillar 2, 3 and 4 of the Poverty Eradication Action Plan (PEAP).

The JLOS comprises ten institutions that discharge their mandates in an independent way. These mandates cover law and order aspects, as well as justice specific issues that include both civil and criminal matters. The planning process for SIP, II considered the multi-dimensional and multi-institutional nature of justice for which consensus had to be built on common values and a common policy framework. To achieve this, and in addition to consultations, a Task Force comprising the JLOS Secretariat and the JLOS Technical Committee members, together with a consultant facilitated discussions and negotiations that resulted into ownership of the process and commitment to implement the reforms.

As a reform programme, the sector consultations and discussion aimed at identifying areas and strategies for reform over routine delivery of service. In view of challenges the sector faced such as limited human and financial resource that did not change even when the sector widened its focus for the reform, the sector sought solutions in innovative and cost effective ways to addresses the weaknesses in the system, and which would demonstrate results for the benefit of the people.

Challenges in the Justice System

The Mid term evaluation raised several challenges that the sector still had to address. It also became apparent that with underlying challenges e.g. low budget, the sector was unable to meet all its core obligations and the challenges it faced in 2000 still existed.

a) Justice Specific Challenges

The Justice specific challenges included the need to take affordable services closer to the people. The challenge on the JLOS was to develop and implement a strategy to enhance service delivery and access to justice including increasing the visibility of civilian administration of justice in conflict affected areas.

Although the process for reform of several commercial and criminal justice laws was underway, they had not been passed into law because it involved several stakeholders e.g. Parliament whose schedule the sector had no direct control over. How this could be achieved was a concern in the planning process.

Human rights reports by the Human Rights Commission and CSOs still raise incidences of human rights abuse and violations by JLOS institutions. The case backlog in the justice system continues to build up at a fast rate that is not matched by the case disposal rate. The delays in dispensing justice have resulted in violation of the requirement for a speedy hearing or trial. In criminal matters, this has contributed to prison overcrowding which also subjects prisoners to poor conditions of living. In commercial matter, this has raised the cost of doing business.

Despite its contribution to economic development, the sector also needed to convincingly demonstrate its contribution and impact in eradicating poverty.

b) Law and Order Challenges

The sector has over the years registered increase in reported crime at an average growth of 19% per annum over the last three years. This not only threatens safety but it also contributes to escalating poverty levels. If the Sector institutions particularly the police do not respond in a systematic and sustained manner, the public will lose confidence in the institutions mandated to protect them and to provide justice. To effectively address this, a holistic approach is essential by addressing the causes of crime such as weak immigration and border control, as well as strategies that would involve the public in crime prevention.

c) Sector wide Challenges

The sector wide approach created a shift in the traditional approach in which each institution should implement its mandate. Instead, it called for ways to enhance sector coordination to ease collective implementation of one sector plan by the ten institutions despite their different and competing interests.

JLOS institutions are at varying levels of development and growth, which has impacted on institutional capacity to deliver services effectively and efficiently. Staff numbers do not match the workload in all JLOS Institutions. Poor terms and conditions of service have resulted into poor staff retention in the sector. This has a negative impact on sector performance.

The different levels of development of institutions have also impacted on institutional confidence to implement reforms. Similarly, low levels of staff awareness of and participation in JLOS resulted into low levels of ownership of the programme and its implementation under the first plan.

The expansion of the reform scope from two to four focus areas raises expectations in the JLOS institutions and the public. This comes at a time when

the resource envelope is not expanding yet the Sector has to confront the disparities in needs across all the focus areas of land, criminal, commercial and family justice. This challenge called for enhanced internal and external linkages; rationalization of roles and resource allocation and utilization; as well as increasing the sector's competitiveness for national resources.

d) Programme Management Challenges

The Sector Secretariat undertakes several key processes and programme management activities that support implementation of the reform. However, managing the programme is challenged by the diversity of internal and external stakeholders in the programme and following expansion of the focus of the programme, which was not matched by the capacity at the secretariat.

The sector has measured progress in terms of outputs that it perceives as contributing to areas for improvement. It has not been demonstrated through actual impact. It has also been difficult to illustrate achievements in mainstreaming cross cutting issues across the sector. Therefore this had to be addressed to improve quality of performance and reporting, especially if the sector is to strongly argue for increased funding.

The JLOS Strategic Framework

A significant number of people in Uganda are poor and lack adequate access to justice. So the JLOS aims at ensuring that all people in Uganda live in a safe and justice society. Improvements in the safety of the person, security of property and access to justice are pre conditions for economic development and which would ultimately benefit the poor and the vulnerable people. In addition to criminal and commercial justice, the sector has demonstrated its commitment to addressing land and family justice, which are the concerns of the poor and marginalized groups of society. The JLOS will achieve this by

- Promoting the rule of law and due process
- Fostering a human rights culture across all the sector institutions
- Enhancing access to justice for all especially the poor and the marginalized
- Reducing incidence of crime, promoting security of property and safety of the person
- Enhancing the contribution of the sector to economic development.

STRATEGIC AREAS FOR INTERVENTION

Key Result Area 3: Rule of Law and Due Process Promoted

The rule of law is a keystone to democracy and good governance and calls for the respect of laws and defined processes. The sector will take forward several processes it started under the first plan to amend key laws by developing and undertaking strategies to ensure that they are enacted faster and that they are continuously revised.

The sector is committed to make available updated and unified law reports, which it will achieve through a strategy to publish and disseminate them to the judicial officers, officers of court and the public. The sector will also strengthen accountability to increase performance and to address the high public perceptions of corruption in JLOS staff that tarnishes its image in the public.

Successful implementation of these strategies will result into enactment and enforcement of key laws that were initiated by JLOS. There will also be an increase in the percentage of investors, private sector and the public who will be confident of enforceability of contracts, judicial decisions and the law by 2010. The sector expects to see a reduction in the index of perceived corruption within JLOS institutions by 2010

Key Result Area 2: Human Rights Culture Fostered across all JLOS Institutions

Justice systems are hinged on human rights principles. The sector strategies and activities will uphold international human rights standards which have been domesticated into the Constitution, local law and polices, by incorporating them into all its programmes, policies and budgets. The sector will also train its staff in human rights and adopt a rights based approach to its service delivery.

These measures are aimed at fostering a human rights culture that will contribute to a reduction in the incidence of specific human rights violations. The sector also expects to have systematic consultative and feedback mechanisms developed by 2007 with the Uganda Human Rights Commission and human rights CSOs, who will input into policy formulation processes at local, regional and national level.

Key Result Area 3: Enhanced Access to Justice for all especially the Poor and the Marginalised

Not all people in Uganda have equal access to the justice system. The sector will continue implementing its strategy to de-concentrate its services countrywide particularly in conflict affected areas. This will reduce the physical distance to JLOS institutions. Emphasis has also been laid on improving processes to achieve impact by strengthening the institutions and ensuring faster disposal of cases and matters, chain linking the supply side of justice, use of alternative dispute resolution mechanisms and innovative approaches to justice delivery.

The sector will also focus on addressing the demand side challenges through strategies that will re-balance the justice system. As such, it will support and improve legal aid services to reduce the cost of accessing justice. Through a structured civic education programme, the sector will sensitize, inform and educate the public to reduce the language and attitudinal barriers that the public face.

As the sector progressively provides meaningful and substantive justice for all people in Uganda, which is accessible, available and adaptable, by 2010 include, there should be an increase in the percentage of the public who can access JLOS institutions from 25% to 50%. There should also be a 50% increase in disposal rate for cases and services within set benchmarks for each institution. In so doing, there will also be a reduction in the average time spent on remand after committal to under two years for capital offences; 6 months for petty offences (after hearing starts), and 3 months for juveniles

Key Result Area 4: Incidence of crime reduced and safety of persons and security of property promoted

The sector under SI, II intends to manage the current increase in reported crime as a way of promoting safety and security. The sector will therefore adopt crime prevention strategies that involve the communities in policing, and strengthen immigration and border control through which cross border crimes are committed. The capacity for the sector to investigate and prosecute will also be enhanced to increase the conviction rates in court.

To respond to the high re-offending rate currently at 43%, the sector will support correctional services and offender rehabilitation programmes. Alternatives to custodial sentences will also be used to limit exposure of innocent people to crime, and petty offenders to hard core criminal activities.

By 2010, these measures aim at reducing the incidence of crime from 30 crimes per 10,000 people to 20 crimes per 10,000. There will also be a percentage reduction in index of perceived crime prevalence; and a converse increase in perceptions of safety of person and security of property and investments at local and international levels. The sector also expects to register a reduction in the rate of recidivism from 43% to 30%.

Key Result Area 5: JLOS Contribution to Economic Development Enhanced

Promotion of economic development largely falls in the mandate of other Government ministries and departments. The justice reforms however, impact on economic development in the country by providing a conducive environment for investment, growth and wealth creation that is responsive to Uganda's growth demands on enhancing productivity and competitiveness.

JLOS institutions will therefore contribute to providing a conducive business environment that enables businesses to compete at the domestic, regional and global levels. It will be achieved by ensuring efficient and timely delivery of services and information, and quicker settlement of disputes to reduce time and costs of doing business. International and regional agreements will be also harmonized with domestic policy, laws and regulations.

To achieve this, the sector aims at improving service delivery by fostering public/public and public/private partnerships. The deliberate effort to create linkages with key sectors and initiatives e.g. the Medium Term Competitiveness Strategy (MTCS) and regional organizations e.g. the East African Community reinforces the sector's contribution to economic development.

The expected benefits of these interventions will reduce the time and cost taken to conduct legal business e.g. register a company, enforce a contract in court. This ultimately improves the perception and confidence of the business community and investors of Uganda's legal environment.

The sector reforms also consider the small and medium scale business. Through this, the interventions will therefore increase gender parity in the services provided by JLOS that promote economic development. Such a demonstrable contribution to economic development and poverty eradication will increase the sector's competitiveness on allocations from the national budget

Resource Envelop

The expansion of the reform programme from two to four focus areas comes at a time when the resource envelope of the sector is not expanding. The Strategic Plan will run for five years. However it has been costed for the first three years in line with Medium Term Expenditure Framework (MTEF). The budget for the SIP, II covers only the domestic development budget, which is approximately U.shs 98bn.

However, the sector MTEF ceiling for the domestic development budget is U.shs.88.4bn. This presents a funding gap of U.shs.9.8bn., which makes it difficult for the sector to meet all its core obligations in the SIP, II. As the overall budget of the sector against the national budget decreases, JLOS will take proactive budget control measures from within. Policies and strategies will be identified to reduce costs and identify low cost initiatives.

The sector also recognizes that to sustain its reforms, the recurrent budgets must also be adequate. To address this, the sector will continue to lobby for increases in its budget. This recognition resulted into the sector's commitment to progressively move towards a unified sector wide investment budget so as to rationalize institutional and sectoral development budgets.

Management of the Reform Programme

The JLOS management structure is reflected at two integrated levels, that is, at the national and at the district level. It is based on a committee and working group arrangement through which every sector institution, and where appropriate its partners are represented. This ensures effective participation of all stakeholders at political, policy and technical levels. This approach is essential for ownership and enhanced coordination across the sector.

The entire management structure is facilitated by a secretariat that provides implementation support, policy and technical advice, as well as management of the programme.

The JLOS reform programme is partly supported by development partners who collectively contribute to funding the Strategic Plan. Their participation in the JLOS is based on general GoU-Donor Partnership Principles of 2003 which identifies mechanisms for collaboration with the sector. A JLOS Development Partner's Group comprising all those that support the sector further enhances donor coordination and input into the reform process.

Strategy for Implementation

The sector institutions implement the SIP, II depending on their comparative roles. To sustain the reforms the sector will strengthen its institutions, but also integrate the reforms into the ordinary course of business of each institution. This will partly be achieved through "buy in" into the reforms following a comprehensive information strategy about the reforms among institutional staff and through change management strategies.

Since the SIP, II is an all inclusive strategy for ensuring justice for all; external stakeholders are expected to influence policy and practice. Civil society organizations and the private sector now constitute the JLOS working groups because of their monitoring, advocacy and feedback function with the sector. They also complement the role of the sector institutions. The sector will continue to develop strategic partnerships with other sectors of government e.g. the Land Strategic Sector Plan and the Uganda Human Rights Commission.

The public as rights holders are the beneficiaries of the sector reform programme. Therefore in responding to their concerns, the sector will involve the communities it is programmes and structures e.g. users committees, to also input to the reform.

The sector aims at increasing access to justice without compromising the quality of services it delivers. The quality of services delivered by the sector will therefore be enhanced by developing innovative and achievable strategies to translate the SIP, II into reality. During implementation, the sector will further integrate cross cutting issues in the JLOS operations through mainstreaming and use of inter-sectoral linkages.

The sector faced constraints during implementation of the first plan, such as delays in the law reform process and an inadequate sector budget. Over the course of SIP, II the sector will extend its information strategy on the JLOS priorities and reform programme at higher levels. The sector will therefore seek to enhance political support of the Cabinet and Parliament for the SIP, II.

Investment in the JLOS reform programme means that the sector has to account through demonstration of progress. The monitoring and evaluation framework of the sector has been strengthened after the sector wide indicators were adopted. The framework will include periodic reporting and reviews. In order for the sector to provide accurate and reliable information of progress, it will improve its management information systems and conduct periodic institutional visits and surveys. As part of the national framework, the sector will also integrate its system into the National Integrated Monitoring and Evaluation system.

Conclusion

The sector SIP, II provides a solid and commendable foundation for reform. It has been informed by the sector's experience over the past six years, and input from all its stakeholders. It is an all inclusive strategy. The challenge is for the institutions to implement it. The sector's commitment to implementing the reforms and continued support from all our partners will result into tangible benefit for the people of Uganda, particularly the poor and marginalized groups of our society.