

**Justice, Law and Order Sector (JLOS) 15<sup>th</sup> Joint Review  
4<sup>th</sup> and 5<sup>th</sup> October, 2010**

**JLOS Development Partner Group Response to Annual Progress  
Report**

**By Sarah Callaghan, Irish Aid,  
Chairperson JLOS Development Partners Group**

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

**Introduction**

On behalf of the JLOS Development Partner Group I would first like to thank the Justice, Law and Order Sector (JLOS) institutions, Technical and Steering Committee, and Secretariat for the continued productive and positive relationship over the last year. Second, we congratulate the sector for the clear improvements in the annual progress report and in monitoring and evaluation. Many of the comments we have made over the last years are being addressed. This has allowed us this year in the pre-review technical meeting to discuss and assess results rather than process. Colleagues who were present at that meeting some weeks ago will recall that we gave extensive comments so I will not, repeat here

those more detailed discussions and observations on the report, but take this opportunity to highlight some key messages.

I will first outline sector wide policy concerns, secondly discuss the undertakings from the 2009 JLOS Review, thirdly comment on the JLOS finances, and lastly refer to the progress report.

### **Sector Wide Policy Concerns**

The first point we would like to make is the value and impact we have seen in the sector having a **Monitoring & Evaluation Framework**. We appreciate the efforts of the sector in developing this framework and we have seen this year the benefit of data that can be analysed and from which lessons can be learnt. We look forward to the continued work in refining and completing the baselines, targets and indicators that will help to more clearly see whether the sector is achieving its objectives and overall goals. We trust that the institutions will cooperate with the Secretariat in this regard. Though the framework is still work in progress, we believe it is important to start using it now. We also encourage the sector to progress an integrated data management system which will help to resolve issues of conflicting data that we observed this year. Further, and most importantly, we reiterate the need to strengthen the policy and planning units and overall budgeting and M&E capacity in the sector. This year we received institutional reports in an improved format and in a timely manner which we see as evidence of the stronger link between the sector and its institutions. While there are some good examples in these reports, overall a large percentage of the targets were not met, highlighting the need for further work in efficiently and effectively deploying resources to meet targets and critically examining

performance. We therefore look forward to a concrete action plan as to how the sector intends to strengthen the PPU's and institutions in the areas outlined. We welcome further discussion on performance management and the potential for increased involvement of civil society and the District Chainlink Committees in monitoring and reviews.

This leads to my second point, which is on the future relationships and structures of the **sector and its institutions**. This is one of the key questions arising from the Mid Term Evaluation and we urge the sector to devote adequate time and energy to considering how this should be addressed in the third Sector Investment Plan. While the existing thematic areas, structures and strategies have had their strengths over the last decade, it is always useful to reflect on the best approaches to suit current needs. As we stated last year, we support the inclusion in the submission to the NDP of a Key Result Area on institutional performance. We also look forward to discussions on how to best mainstream issues of gender, children, and the other cross cutting issues more effectively across the sector and in reform programming. The four challenges outlined by my Head of Mission for consideration in developing the next SIP all have at their core, ensuring the rights of the most vulnerable and marginalised groups are protected and promoted.

A third policy issue that we raised last year and which we have been discussing with the sector during the last year is greater mutual accountability. In practice, this has involved outlining a transition plan for development partners to align their assessment and disbursement mechanisms for JLOS sector budget support to the **Joint Budget Support Framework**. JLOS is not one of the four key service delivery sectors of the JBSF. Yet the mechanisms developed under the JBSF for

development partners and the government to identify the core challenges facing the sector, set clear targets for measuring development results and having clear criteria for assessing performance and providing greater predictability in funding decisions are best practices that we can learn from. Further, JLOS plays an important role with regard to the underlying principles outlined under the JBSF on democracy, human rights and the rule of law and the preconditions for effective and efficient implementation of government policies. Under the JBSF, corruption is outlined as one of the key bottlenecks for development, and JLOS institutions are identified as having an important role in addressing this. We have already started work during the last period on refining the undertakings for this financial year which is the first step in this transition.

### **Undertakings**

Moving then to the undertakings, we would like to acknowledge the advances made over the last two years in developing and agreeing undertakings that are results based, measurable and realistic. Further, we have agreed that undertakings should have the following standards: they should be aligned to the reporting period, they should be aligned to the budget and they should be aligned to the sector and institutional priorities and the M&E framework. These standards are important for us, as the undertakings form, together with the progress, financial and audit reports, the basis for development partners to release their sector budget support funding to JLOS.

With this background, we recognise that last year not all of the undertakings met these standards. While progress has been made towards achieving some of the undertakings, we must register our disappointment

at the overall progress against the agreed 2009/10 undertakings. We would also like to have seen more explanation and justification for not reaching the targets we agreed, particularly as in some cases there are good reasons for this.

I also note that the status of the undertakings reported, in distinction to the rest of the report, is not a reflection of their status at the end of the reporting period, but rather their current status. Allow me to outline those undertakings where we have particular concerns and which will require a renewed focus this coming year.

The first is **case backlog**. The sector should be congratulated for completing over 9000 case backlog cases, the best attempt we have seen in many years to tackle this problem, largely driven by the STA. However, further information is required on how this has actually contributed to the overall challenge facing the sector. Also we would appreciate reporting against the performance measurement strategies and the case count initiative. We look forward to continuing to work closely with the sector to urgently address the backlog through a range of alternative approaches.

The HoM indicated the extent of development partners concerns about **corruption**. We are therefore disappointed by the lack of meaningful progress in implementing a sector anti-corruption strategy. JLOS plays a key and visible role in fighting corruption wherever it occurs. For this reason it is important that JLOS actively addresses instances of corruption within the sector. This undertaking with improved strategies and more measurable indicators will remain as an undertaking for the current financial year.

Similarly, the undertaking on developing a **transitional justice policy**, a policy priority, has not seen sufficient progress. Some of the causes of the delays are recognised as valid, but we hope that sufficient human resources and time will be committed to fulfilling this target, this financial year.

My comments earlier have already outlined the importance of data management to the **M&E framework**. We recognise the reasons for the delay in implementing this undertaking are related to not having a matching budget and we hope that we have learnt this lesson for future years.

I have also spoken already about the importance of developing the **third SIP**. We acknowledge that delays were in part due to finalising the Mid Term Evaluation but we are disappointed that we are not close to developing a concept note that will allow the sector to budget appropriately for the first year of the SIP FY 2011/12. The decision of the sector to develop the SIP largely inhouse may have contributed in part to these delays and we welcome an open discussion on how the sector can best develop a good quality product in a timely manner.

The final undertaking was to implement those undertakings from the previous year which remained outstanding. Here we saw mixed progress. While the Mid Term Evaluation, the M&E framework and the Value for Money audit are all reportedly finalised, we have not seen these final versions or accordingly had a chance to discuss recommendations arising and implementation to the full extent that we would have liked.

There was mixed progress on law reform and on increasing spending on land and family justice. Most disappointing is the continued delays in the development of a **Legal Aid Policy**. We encourage the sector to ensure that the final product is of an appropriate quality, has the support and ownership of the sector and is the result of robust consultations. As my HoM outlined earlier, Uganda has an opportunity to be the regional and continental leader in developing a legal aid framework that ensures access to quality justice for the vulnerable and marginalised.

We indicated at the pre-review technical meeting that such a performance on undertakings next year would, using the criteria outlined in the transition plan, result in considerable cuts in budget support. Therefore we look forward to the continuing discussions over the next days on agreeing realistic and measurable undertakings for the sector for this financial year.

### **Finances**

Turning to the financial report, we are pleased to note that the SWAp budget performance improved from 92.8% last year to 97% this year. We are also encouraged by moves in the right direction regarding transparency in recurrent institutional budgets. However, we remain concerned at the underperformance of the PRDP workplan. We reiterate the need to improve tracking of expenditure in conflict areas and of government contributions to anti-corruption and transitional justice. While we have seen improved financial reporting this year, the delays in discussing and implementing issues arising from the budget working group is disappointing. In particular, finalising the workplan for the current financial year and responding to our comments and questions on this workplan, as well as implementation of the recommendations arising

from the OAG and VFM audit reports remain outstanding. We encourage further dialogue on how we can improve engagements in this area with the aim of increasing the effectiveness of development assistance.

### **Progress Report**

Finally, we would like to touch on some of the key elements of the progress report. As alluded to earlier, while we congratulate the sector on tangible progress in reporting, we remain committed to seeing data disaggregated by gender and age.

**Enhanced accountability** – we are encouraged by the comprehensive reporting on disciplinary and public complaints systems within the institutions. There has been progress in number of cases being dealt with and also on reporting the content of the complaints. It would be useful for the sector to do further analysis on strategies to address the causes of complaints and thereby enhance public confidence in the sector. In future it would add value to the report to include information on how the officers found guilty of complaints are sanctioned.

There have been pleasing improvements in addressing juveniles in detention and continued sustainable progress in the community service programme. Structured and considered approaches to addressing juvenile cases, including children and youth in conflict with the law in Karamoja and the widespread problem of defilement remain elusive. On the latter issue, perhaps there is a need to assess the relevant legislation as to issues of consent, age and possible misuse of the offence to settle disputes. This may be an area where the DCCs can provide useful policy input based on local experiences.

The most substantial part of the sector's funds and programming is aimed at enhancing **Access to Justice**, though we are yet to see clearly whether these reforms are having an overall impact. Is there functionality in all of the areas where the sector has constructed or rehabilitated institutions? We believe the mapping of the sector's presence nationally, both of institutional offices and personnel, will allow us to better answer this question and better plan to fill the gaps.

It is apparent from this year's report that the range of programmes piloting "alternative" and "local" methods of providing justice are proving successful. With case backlog and the prison population continuing to grow each year, the sector needs to build on these wins and critically consider how best to roll out and integrate such programmes and lessons into the sector. Similarly, the sector could consider how to develop better relationships with Ministry of Local Government so that we have access to better information on the performance of local council courts.

We have seen marked improvements in the **crime** statistics presented and analysed in the progress reports. The reported decrease in crime though does not fit with the information reported from other justice institutions and this should be further analysed. Further, we note the low rate of convictions compared to the number of cases reported – less than 10%. We therefore urge the sector to provide adequate resources to improve the capacity of CID and the UPF to commit to long term deployments in that directorate.

Under Key Result Area 5 – contribution to economic development – we encourage the sector to consider how the various activities collectively contribute to this goal – particularly in the areas of land and employment,

not just commercial justice. One method might be to more clearly articulate the linkages between for example long pre-trial detention and reduced opportunities for economic development (as incapacitation reduces income, labour or education opportunities for individual and families.)

Finally, we appreciate the efforts to improve reporting and we have seen how this has broadened and deepened our discussions to identifying challenges, the root causes of such challenges and possible solutions. The information you have generated combined with energy and a commitment to address the sensitive and difficult issues has the potential to result in real and lasting progress in meeting the sector's goals.

We look forward to further exploration of these issues over the coming couple of days.

Thank you.