

**KEY NOTE ADDRESS BY THE HON. THE CHIEF JUSTICE - HIS LORDSHIP JUSTICE B J ODOKI AT THE 15<sup>TH</sup> JOINT GOVERNMENT OF UGANDA – DEVELOPMENT PARTNERS REVIEW HELD AT THE IMPERIAL ROYALE HOTEL, KAMPALA ON 4<sup>TH</sup> OCTOBER 2010**

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The Hon. The Deputy Chief Justice

The Head of the Development Partners Group

Members of the Leadership Committee

Members of the Diplomatic Call

Members of the Steering and Technical Committee

Invited Guests

Ladies and Gentlemen

**Introductory Remarks**

It gives me great pleasure to address you at the 15<sup>th</sup> joint JLOS Government of Uganda- Development Partners Review.

The Justice Law and Order Sector was set up 11 years ago to address systematic challenges in the administration of justice, maintenance of law and order and human rights through sector wide approach to planning, budgeting and execution of programmes.

Over the last 11 years, the sector has grown tremendously demonstrating the value of JLOS institutions working together through a single policy framework. We have learned over the years, that the synergies of communication, cooperation and coordination are central to effective administration of justice, maintenance of law and order and human rights.

The theme of this year's review is **consolidating the gains as we move towards the third sector investment plan**. This theme is timely because we are in the process of developing the third sector investment plan to replace the second sector plan which expires next year.

The recently concluded midterm evaluation of SIP II revealed that the second sector investment plan largely delivered in achieving the sector's strategic objectives of

enhancing the rule of law, access to justice, promoting the safety of the person and security of property, improving the observance of human rights and contributing to economic development. The review also found that whereas the sector had delivered successfully on the brick and mortar reforms, the sector had been short on delivering on critical human resource issues.

Despite the shortcomings, the midterm review of SIPII recommended continuation of the strategic objectives of SIP II in the third sector investment plan. It is only fitting that the third sector investment plan should be built on the achievements of the second sector investment plan as well as learning from its lessons, challenges and failures.

### **Cooperation with Development Partners**

The sector appreciates the cordial relationship that exists between the sector and the Development Partners. Our cooperation is rooted in the **Partnership Principles**, which are based on mutual respect, accountability, equality, responsibility, result oriented approach and complementarity.

Such cooperation has ensured that development assistance to the sector is applied to the most pressing and relevant needs of the sector. On behalf of the sector, I would like to thank the Development Partners for availing their resources and expertise to develop the sector. I have no doubt that the review will open up new opportunities for developing the relationship further.

I am aware that the Partnership Principles recommend budget support as the preferred method of disbursing development assistance to ensure effective delivery of development assistance.

But, experience has taught us that budget support in the heat of competing demands may not be the most suitable method of meeting new challenges, in the case of the sector, like transitional justice and other emerging priorities like anti corruption. In such cases, project support has been found to be most useful because it is targeted and result oriented.

I encourage the Development Partners not to shut the door to project support because the sector has still got pressing issues to solve in the myriad of its many competing needs.

## **Achievements of the Sector**

The year under review has been a successful year for the sector; suffice to mention some of the achievements.

### **Case backlog Reduction**

In March 2010, the sector launched the Case Backlog Quick wins programme to clear 12,000 cases which were more than two years old but at the same time stemming the growth of new case backlog. Reports indicate that 28,000 cases were cleared through regular sessions and weeding out unmeritorious cases.

The sector is still continuing to clear the remaining backlog cases with a target of eliminating all pre December 2008 criminal cases in magistrates and High Courts in the next six months.

To stem the growth of new case backlog, the sector will prioritize the following actions:

1. The sector will ensure that three sessions per annum are held at every High Court circuit, at which a minimum of 150 cases will be completed.
2. Performance standards- as contained in the Constitutions and Acts of Parliament and domesticated in the District Chain linked Guidelines will be applied to ensure that different justice actors clear business before them in time.
3. The sector will invest in technology to enhance processing of cases. The sector has taken a decision to install court recording equipment in the appellate courts, High Court circuits throughout the country and at the Headquarters of the Uganda Human Rights Commission to expedite hearing of cases.
4. The sector has adopted a monitoring and evaluation framework to evaluate and monitor the progress of the sector. Inevitably this calls for setting of clear outputs targets and indicators. With effect from this year, every sector institutions will set institutional and individual performance targets to be met.
5. The sector will take advantage of the current restructuring exercise in the Public Service to recruit additional staff, create new staff portfolios which are critical to the sector's programmes and build an effective work force.

6. The sector will continue to strengthen the capacity of the Criminal Investigation Department through increased staff recruitment and skills development.
7. The Uganda Law Reform Commission will be tasked to review criminal legislation to cut out unnecessary bureaucracies in processing cases.
8. Lastly, the sector will adopt an anti-corruption strategy, whose key objective is to improve the overall performance of the sector.

## **Human Rights**

Although the sector still faces challenges of human rights violations, yet in the year under review, the sector has witnessed a reduction in human rights violations against JLOS institutions.

In particular there were fewer violations labeled against the Police and other sector institutions. This was made possible by mainstreaming human rights education within JLOS institutions and the proactive stand taken by the Uganda Human Rights Commission to deal with human rights violations in the country.

JLOS will continue to deal with emerging challenges of human rights violations including use of excessive force by Police and torture through mainstreaming of human rights.

## **Contributing to economic development**

As a sector we performed strongly in providing an enabling environment for commerce and trade.

We improved the performance of Business Registries through automation and legal reform. As a result of the reforms, it now takes 45 minutes to conduct a search, less than 12 hours to register a company and equally less time to register patents, trademarks and other business instruments at the Uganda Registration Service Bureau.

At the Directorate of Citizenship and Immigration, the lead time for clearing travelers at the border is only five minutes despite the challenge of terrorism. It is therefore, not surprising that the recently released Global Economic Freedom Index ranked Uganda 76<sup>th</sup> out of 184 countries which were evaluated. Uganda was ranked highest in the East African Community.

The sector also collected 80% of the Non Tax Revenue up from 37 to 50 billion shillings.

Despite the improvements, the sector needs to do a lot more in addressing the following challenges:

1. Reducing the time of processing resident permits from an average of three months to two weeks;
2. Automating of the NGO Registry and the passport control office ;
3. Speeding up the automation and separation of URSB from the Ministry of Justice
4. Decentralizing the Commercial court to the regions or devolving best practices arising out of the Commercial Court;
5. Speeding up the establishment of the Small Claims Procedure to benefit the majority of the people who cannot access the Commercial Court;
6. Strengthening the regime for enforcing intellectual property rights;
7. Automating the land registry to ease fraud free transactions in land,
8. Ensuring that there are adequate judicial officers and other officers to deal with cases.

### **Public Private Partnership in the Reduction of Crime**

I would like to commend the Uganda Police Force for spear heading public -private partnership in crime prevention through community policing which, has reduced the number of reported crimes and making the police, the first point of contact, whenever people are in trouble.

History and experience, have taught us that community policing, if effectively implemented, can garner public support in crime prevention and strengthen the police's hand in dealing with crime. The success of community policing also demonstrates that the key to crime prevention lies with the community rather than the police.

The sector will strengthen the Police in this endeavor and will also complement its action through outreach programmes such as radio talk shows, public *barazas*, to explain to the community their rights and their responsibilities in as far as the mandates of the sector are concerned.

We believe that public private partnership in crime prevention will make justice for all an achievable objective, in the near future.

## **Public Order Management**

The Uganda Police Force has taken impressive strides to deal with public order situations. In the last year, the force's handling of public order situations improved tremendously despite the tensions of balancing free exercise of democracy and public safety.

I am therefore, grateful to the Irish and British Government for giving the Police Force funds to strengthen its ability to deal with public order management situations.

The objective of the Public Order Management Programme is to *inter alia* assist the Police to increase the range of options for managing public order situations through training and adoption of skills, community policing and enhance the police's capacity to engage with the community, media and key stakeholders on matters of public order management.

The sector welcomes the assistance for being timely considering the urgency of dealing with public order management situations which may arise during the elections and as the democracy takes root in the country.

## **The Challenges**

Despite the achievements registered by the sector, the sector faces the following challenges:

### **Prison Congestion**

In spite of an array of options taken to reduce prison congestion, on average prisons carry 2.24 times their carrying capacity. Statistics also show that on average, we keep prisoners/ inmates for much longer times in incarceration thus spending scarce and valuable resources on people who shouldn't otherwise be in prison.

I have no doubt that if we paid attention to the cost of keeping inmates longer in prison before and during sentencing, we could make savings to improve the capacity of prisons.

This year we plan to intensify efforts to reduce prison congestion through strengthening cooperation, coordination and communication amongst JLOS institutions, expedite the renovation and construction of prisons, increase case disposal and availability of community service and fines as options to incarceration. We shall also use prison statistics generated every month as an early warning mechanism for reducing congestion. We also hope to streamline sentencing guidelines to bring sentencing within the realities of our times.

## **Staff challenges**

Staffing challenges continue to stifle the sector's reform efforts to bring JLOS services closer to the people. In the courts, while, we have just received ten new High Court judges, another seven judges will be retiring thus taking away the temporary advantage we had obtained.

The Police and Prisons still have a challenge of reaching the average number of personnel per average population. The Directorate of Public Prosecutions is still grappling with the challenge of having professional prosecutors in all the districts. Other sector institutions such as the Probation Department have a challenge of taking their services to JLOS points across the country.

There can be no doubt that the presence and availability of critical manpower is central to a country's development and their absence a major binding constrain to a country's development.

I am therefore gratified to learn that the Ministry of Public Service has commenced a restructuring exercise to improve public sector performance in the country. I encourage JLOS institutions to take advantage of the current restructuring exercise to recruit relevant staff, create new positions that address emerging challenges and expand the civil structure to deliver on JLOS services.

## **The threat of terrorism**

The threat of terrorism is real in this country as demonstrated by the recent bombings in Kampala. As a sector responsible for maintenance of law and order, we need to position ourselves with sufficient human and other resources to take on the new challenge and to protect the country from terrorism.

Obviously, this calls for securing well trained police personnel, who are well motivated and positioned to meet the challenge. It also calls for the sector to invest in new technologies to deal with terrorism.

Unfortunately the sector does not have the necessary resources. I call upon Government to prioritize resources in these areas to deal with terrorism and help the Police to respond to crime detection and prevention which, are critical to eliminating threats like terrorism.

## **The challenge of accommodation**

Most JLOS institutions do not have homes of their own. On average, we spend about 4 million dollars every year paying rent for offices. While, this may be good for the development of the private sector, the burden of rent, is nonetheless taking away

critical resources necessary to strengthen the rule of law through effective justice and maintenance of law institutions.

It is in this regard that I call upon Government and the Development Partners to come to the rescue of the sector in addressing the challenge of accommodation.

I have no doubt that the Netherlands Government through the ORIO facility; will find our application for funds to construct the JLOS House , Police House and Criminal Court Building a worth supporting.

Furthermore, I hope that Government will also provide resources to build offices for JLOS institutions in the new districts in the same way; it is providing accommodation for the newly established local administrations.

Before I wind up my address I have been asked to carry out an important function- and that is to launch the JLOS Web site.

### **New Developments in the Sector- Launch of the revamped JLOS Website**

The sector has revamped its web site to communicate better within the family and without the family. The revamped website will now become JLOS number one channel of promoting the three Cs of communication, coordination and cooperation and for sharing with other countries the benefits of sector wide approaches to planning, budgeting and execution of programmes in the administration of justice. It will also be used to profile JLOS.

It is now my pleasure to launch the revamped JLOS website domained at: [www.jlos.go.ug](http://www.jlos.go.ug)

I wish you fruitful deliberations.

BJ Odoki  
**CHIEF JUSTICE**