

**Speech by His Excellency Kevin Kelly, Ambassador of Ireland,
Chair JLOS DPG, at the Opening Session of the
15th Joint GoU – DP Justice, Law and Order Sector Annual Review**

October 4th 2010

Kampala

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,

Good morning, it is a great pleasure and honour for me to participate in this fifteenth review of the Justice, Law and Order Sector carried out jointly by the Government of Uganda and development partners, and to deliver this statement on behalf of the development partners engaged in the Sector.

First of all, I would like to congratulate the sector for the progress made in a number of areas during the year under review and for the continued good working relationships. It is this open and constructive dialogue, evidence of a true partnership, that we believe has contributed in part to the real improvements in reporting, monitoring and evaluation over the course of the last year. Of course the large responsibility for that, and congratulations, should be directed to the sector itself, the institutional

Policy & Planning Units, the JLOS secretariat and especially the M&E Specialist.

With this improvement, there is a momentum to consider what the sector has achieved and more critically, how it plans to deal with the outstanding challenges. Now while JLOS considers the development of the third Sector Investment Plan, there is an opportunity to seriously consider and address structural or systemic obstacles that may be contributing to such challenges. We encourage the sector to urgently prioritise this SIP III development process, which has been delayed, and give due deliberation to four issues – the contribution the sector can make nationally and regionally, transitional justice, access to justice and corruption.

While some of our comments may appear to be repeating what we said in previous years, this is because the challenges largely remain the same.

The development of the SIP provides an occasion to reflect on the sector's role, as outlined in the National Development Plan (NDP), as an “enabling sector”. As an “enabler” the sector contributes to and facilitates economic growth, poverty reduction, maintenance of security and promotion of the rule of law, respect for human rights and democracy. This function can not be underestimated and will never be more vital to a country's future than in the next twelve months.

Ensuring the sector is fully staffed and is utilising all its resources as effectively and efficiently as possible is key to addressing any challenges that may arise. We therefore encourage the sector to do all within its powers to ensure appointments to the Judiciary, the Uganda Law Reform Commission, the Judicial Studies Institute and the Judicial Services Commission are filled as a matter of priority.

Similarly, we feel it is essential for the Uganda Human Rights Commission to be fully resourced and to use all means available to it, as a member of JLOS, to play an influential role in preventing and addressing human rights concerns and violations within the sector. While we recognise the positive contributions of the relatively new Police Standards Complaints Unit to improving police accountability and effectiveness, we express some concern about the continued reports of torture and human rights violations by JLOS actors but most particularly certain units of the Uganda Police Force. We trust the Anti-torture Bill will be supported by the Ministers of Justice and Internal Affairs.

Similarly, we acknowledge the need for legislation governing public order management, and we express our sincere hope that any Bill on this matter is in line with national and international law and human rights standards and is subject to a rigorous consultative process with a broad range of stakeholders.

The role that the sector has played in ensuring that Uganda sets a positive image and example in the region should not be underestimated. We mentioned last year in particular the importance of the Judiciary in upholding its independence, and the contribution of all justice institutions to making the principles of democracy, peace and security and rule of law a reality.

The sector should be congratulated on its part in bringing peace to the north, increasing its presence in the conflict affected areas, hosting the Rome Conference on the ICC and bringing international attention to its unique contribution in developing a transitional justice framework. It is

well recognised that this process is more complex and time consuming and has more far-reaching political and socio-economic consequences for a country's recovery and development than perhaps was originally understood. However, we strongly urge the sector to prioritise its resources to develop a policy framework on transitional justice in this financial year that is based on a broad and transparent national consultative process.

Another area where the sector has the potential to lead in the region is in developing a comprehensive and progressive policy on legal aid that provides quality justice for all, particularly the poor and marginalised.

This leads me to the brand or logo of the SIP II – Justice for All. While we have seen strong performance in some areas, real improvements in access to justice for the most vulnerable and marginalised largely continues to remain elusive. A useful example, is that we have seen the remand-to-convict ratio continue to decrease over recent years. However the actual remand population is increasing, which is of concern. Therefore, we are pleased to see that prison congestion is one of the topics for discussion during this review. Similarly, while we are happy to note the passing of the Domestic Violence Act, for women and children, it is the implementation of this Act that is meaningful. This is particularly the case in the north and north east of the country where the most vulnerable have to live with domestic violence daily. We hope that strategies to achieve results at the grass roots level in issues of land, family and juvenile justice are considered in more detail in the next SIP.

The fourth and most serious challenge facing the sector and Uganda is corruption. This is a major concern to the development community. In the spirit of partnership, we express our disappointment that after the

constructive and frank discussions at last year's review on performance management this has not translated into any tangible action or outcomes throughout the year under review or in the plans for the coming year. Last year we acknowledged the link between the sector's capacity to offer effective, efficient and transparent services and the challenges of case backlog and the levels of public confidence in the sector. We hope that there is commitment to continue to openly discuss and address these issues which are fundamental to the sector's performance.

JLOS plays a central role in upholding the rule of law and the Anti-Corruption Units of JLOS institutions are key to ensuring effective investigation, prosecution and sanctioning of serious corruption. We note that Development Partners in Uganda have expressed their concern at Government inaction on high level corruption and that accordingly some partners have decided to reduce or re-programme their budget support contributions and this will have an impact on total budget support disbursements, possibly affecting the JLOS sector as well.

At last year's review we made reference to the importance of mutual accountability in improving the effectiveness of development assistance. Throughout the past year the development partner group has worked to develop a three year plan that will align funding to a harmonised disbursement and assessment procedure that provides for transparency on assessment criteria, predictability in disbursements and improved mechanisms to measure development results. However, as the name implies this approach requires accountability from both partners and we therefore trust that we will see improvements in the sector's responsiveness, accountability and transparency on budget, audit and

development results over the transition period. The details of this transition will be outlined in full in writing to the Leadership this week.

In conclusion, we congratulate the sector on important progress that has been made this year, in particular in improved reporting. It is clear that continued energy and commitment are needed in ensuring that undertakings in critical areas will be met in the future. We trust that a third sector investment plan will be developed this year that draws on the many lessons and experiences over the last decade. We look forward to an in-depth and frank discussion on the sector's progress and the continuing challenges during the next two days and we express our commitment to the sector to help address these.