

The 21st JLOS Annual Performance Review (2015/16)

Joint Assessment
of the Justice, Law and Order Sector
Development Partners Group (JLOS DPG)

27 October 2016

General/Preliminary Remarks

- **Introductions**
 - ✓ Acknowledgements
- **Context of the assessment**
 - ✓ Funding challenges and opportunities for reflections
 - ✓ DPs' commitment to support the sector
- **Overview of DPs' assessment**
 - ✓ Joint review and detailed comments
 - ✓ Collaboration, cooperation and partnership
 - ✓ Successful and a vibrant technical review
- **Methodology**
 - ✓ Detailed, specific assessment per output
 - ✓ The "traffic lights and arrows"

Outcome 1: Policy and legislative framework strengthened

Key Achievements and Challenges

- Improvements in legal and policy environment
 - ✓ Passage of laws and bills
- However:
 - ✓ 7 out of 10 key pieces of legislations or policies have stagnated
 - ✓ The legal aid bill has stalled
- There is need to:
 - ✓ Demonstrate results of the different studies already conducted
 - ✓ Finalise various pending studies
 - ✓ Make significant progress on passage of laws e.g. Administration of Justice Bill
- Efforts to increase human resources yielded results
 - ✓ Despite the increase in number judicial officers, judiciary is still operating below full capacity
- Incidents relating to independence of Institutions
 - ✓ Such occurrences dampen public trust and confidence

Outcome 1: Policy and legislative framework strengthened

Key Achievements and Challenges

- Good progress on service delivery standards
 - ✓ 12 out of 18 JLOS institutions have clients' charters
 - ✓ Activities are reported, little on results or impact of interventions
 - ✓ Need for dissemination and enforcement of service delivery standards
- Laws and regulatory environment for the realisation of national development objectives
 - ✓ Progress registered but information on some specified activities inadequate
- Gaps in output on "enforcement of laws improved"
 - ✓ No information on efforts being made to formulate regulations for key Acts e.g. Trafficking in Persons Act, Anti-Torture Act, POMA
 - ✓ Laws were highlighted with elaboration on their enforcement
 - ✓ Concerns on application of POMA, implementation of DVA, regulations for ATA
- Progress on transitional justice limited
 - ✓ Lengthy, excessive delay in submission of TJ policy to Cabinet
 - ✓ Approval and use of the ICD Rules of Procedure and support to LRA trials

Outcome 1: Policy and legislative framework strengthened

Key Achievements and Challenges

- The role of Local Council (L.C) Courts
 - ✓ Accessible and used by 80-90 % of the population
 - ✓ Sub-County Courts supported but L.C 1 and 2 courts largely excluded
 - ✓ Planned elections for, and support to L.C 1 and 2 would have enormous impact
- Laws and regulatory environment for the realisation of national development objectives
 - ✓ Progress registered but information on some specified activities inadequate
- Proactive role by sector institutions in regional integration initiatives
- Detailed overview of assessments under Outcome 1
 - ✓ Trends from successive assessments
 - ✓ Strong, sustained progress vis-à-vis limited progress in some instances
- "Traffic lights" explained
 - ✓ **Green** (on track, substantial progress/achievements registered)
 - ✓ **Red** (Inadequate of information/limited progress/no progress/deterioration)
 - ✓ Downward and Upward arrows

Outcome 2: Access to justice particularly for vulnerable persons enhanced

Key Achievements and Challenges

- **Solid achievements on rationalised physical presence**
 - ✓ 6 out of 7 indicators were achieved
 - ✓ Percentage of districts covered (59.9%) surpassed target (48%)
 - ✓ However, there is under-utilisation of structures in some areas
 - ✓ Need for information on planned constructions vis-à-vis their status
- **Output on " JLOS house constructed, equipped and functional by 2017" unlikely to be met**
- **Performance of industrial Court**
 - ✓ (4) fold increase in disposal of cases. However, this disposal rate is still inadequate to address the increasing number of cases
- **Service Delivery Standards Met and Improved**
 - ✓ Improved clearance rate (124.9%) and the conviction rate (61%)
 - ✓ Consolidate achievements of innovations e.g. plea bargaining, small claims court, ADR
 - ✓ Review use of high court sessions
 - ✓ Resource constraints facing CID, support the investigations function

Outcome 2: Access to justice particularly for vulnerable persons enhanced

Key Achievements and Challenges

- **User Empowerment Services Improved**
 - ✓ A familiar challenge faced
- **Vulnerability profiled and discrimination in access eliminated**
 - ✓ Remand population increased from 54.9% to 55.1%
 - ✓ Improvements on juvenile justice mechanisms required
 - ✓ 7 out of 8 targets achieved
- **Capacity to prevent and respond to crime enhanced**
 - ✓ only 2 out of 5 targets met
 - ✓ Reduction in crime rate during the period under review
 - ✓ High rate of death resulting from domestic violence
 - ✓ Dramatic increase in fatalities from traffic accidents (50%)
- **Transitional Justice Policy has not been approved**
 - ✓ Lack of commitment to victims of war?

Outcome 2: Access to justice particularly for vulnerable persons enhanced

Key Achievements and Challenges

- **Legal Aid Policy and Law implemented**
 - ✓ Successes of Justice Centres Uganda
 - ✓ Complementary efforts of other legal aid service providers e.g. LASPNET
 - ✓ Since 2012, legal aid policy has been awaiting cabinet's approval
- **User-oriented attitude**
 - ✓ Clients' charters for JLOS institutions
 - ✓ Uganda Registration Services Bureau (URSB) is a beacon
 - ✓ Impact of information desks, training of court clerks and magistrates
- **Detailed overview of assessments under Outcome 2**
 - ✓ Consistency of green assessment for output 2.1
 - ✓ JLOS house: A good beginning unlikely to result in a good ending
 - ✓ Assessment for 2.8 and 2.9 reflect on observations in successive the years

Outcome 3: Observance of human rights and accountability promoted

Key achievements and challenges

- Reduction in cases of human rights violations reported
 - ✓ What does the reductions mean?
 - ✓ Regional human rights committees in UPF and UPS established
 - ✓ But are the committees functional and effective?
- Internal accountability in JLOS Institutions
 - ✓ Sanctions against errant judicial officers
 - ✓ Terms of service for the disciplinary committee members and low disposal rates
 - ✓ Effectiveness of internal disciplinary procedures of some institutions
 - ✓ Overall, the effectiveness of internal accountability mechanisms is still weak
 - ✓ Effective and timely sanctions in the sector as a whole is required
- External accountability of JLOS Institutions
 - ✓ Complaints desks and complaints handling structures in institutions
 - ✓ Need for these complaints mechanisms to work, and work effectively
- Anti-Corruption measures in JLOS adopted and implemented
 - ✓ Enactment of Anti-Corruption (Amendment) Act, a milestone
 - ✓ Its implementation and effect in the fight against corruption will be closely monitored
- Accountability in Transitional Justice promoted
 - ✓ Very little progress

Conclusions

- Children in conflict with the law - emphasise implementation of diversion guidelines
- Allocate adequate resources to the sector
- Clear the pipeline of key legislations and policies
- Prioritise and conduct elections for Local Council 1 & 2
- Reflect on efficiency within the sector
- Review the use of High Court sessions
- Take action to build and strengthen public trust in the justice system
- Overall, formidable challenges faced, but substantial progress registered

Thank you