

**THE REPUBLIC OF UGANDA**



**JUSTICE LAW AND ORDER SECTOR**



**KEYNOTE ADDRESS**

By

**The Honourable Justice Bart Magunda Katureebe**  
**Chief Justice of the Republic of Uganda and Chairperson JLOS**  
**Leadership Committee**

Twenty Third Annual Joint Government of Uganda Development  
Partners Review

Law Development Centre, Kampala

4<sup>th</sup> October, 2018

The Hon. The Deputy Chief Justice,  
The Hon. The Principal Judge,  
Honourable Ministers in your respective capacities,  
Honourable Attorney General,  
Honourable Justices of the Courts of Judicature,  
Your Excellencies and Heads of Diplomatic Missions in Uganda,  
The Secretary to Cabinet and Head of the Public Service,  
Members of Parliament Present,  
The Director of Public Prosecutions,  
The Solicitor General and Chairperson of the JLOS Steering  
Committee,  
Chairpersons and Members of Constitutional Commissions,  
Heads of the Justice Sector Ministries, Departments and Agencies,  
Heads of Government Institutions present,  
Representatives of Civil Society, the Media and Non-State Actors,  
Invited Guests,  
Ladies and Gentlemen.

I warmly welcome you all to this 23<sup>rd</sup> Joint Annual JLOS Government of Uganda – Development Partners’ Review. This is our first review under the Fourth Sector Development Plan (SDP IV). This is, as always, a particularly important event in the JLOS calendar, and is an opportunity to gather and reflect on our progress within the previous year. Although it is the first year under the new strategy, we have delved straight into implementation. We thank the Government of Uganda and the Development Partners for

honouring their commitments that were made at the previous review. This support, both financial and technical, has been the driving force for our achievements so far.

As we move into the Sector's 20<sup>th</sup> year of existence, I must acknowledge the partnerships within and outside the Sector that have kept us going and we trust that these will be maintained and nurtured further. The year has not been without challenges but as you will see from the report, we have also registered significant successes over the period under review. It is important, as a Sector, that we take all steps to live by the values that we adopted under the SDP IV namely – **‘empowering the people, building trust, upholding rights’**.

At the start of the SDP IV, we committed ourselves to ensuring that people in Uganda live in a safe and just society, to increase the trust and satisfaction of people with the services of the JLOS institutions, to improve the Index of Judicial Independence and to maintain the ‘A’ Status of the Uganda Human Rights Commission (UHRC). Our efforts throughout the year have been geared towards this.

One year into implementation of the SDP IV, people's trust in JLOS institutions has increased, the Sector has also registered an improvement in the Index of Judicial Independence to 3.42 in 2018 from 3.41 in 2017, according to the World Competitiveness Report,

2018. In terms of the ranking of the national human rights body, the UHRC maintained an 'A' status.

Our challenge is to deal with concerns from the public that may affect these levels of trust and satisfaction, such as acts of torture, the perception of insecurity and increased crime, delayed disposal of cases before the Courts of law and quality of services, as well as slow and bureaucratic delivery of services. These are issues that we identified and committed ourselves to address as a Sector under SDP IV through improved efficiency and harnessing the potential of innovation.

It is my belief that we are well on the path to fulfilling our goals and I wish to specifically highlight some of our achievements so far.

### **Case backlog Reduction**

Case backlog reduction has been of primary importance to the Sector under the SDP IV. This ranges from clearance of cases in the Court system, to expediting the processes of investigation by police and resolution of disciplinary matters. The Sector, however, specifically set out to reduce case backlog in the Courts of law from a baseline of 24% in 2016/17 to 19.3% in 2017/18 and an ultimate goal of 9% in 2021. The Case Backlog Reduction Strategy was adopted with the intention of providing strategic interventions to address the overwhelming backlog. This strategy has been implemented through targeted sessions, weeding out exercises in

various institutions and the prioritization of resources for hearings of cases by Courts and Tribunals. As a result of these interventions, case backlog has reduced from 24% to 21%. Consequently, the remand population has reduced from 52.4% of the total prison population to 51.4%.

The Strategy is therefore beginning to yield fruit. Growth in case backlog has now been arrested and we are managing the existing load. Without the Strategy, the backlog would have stood at 38%. This has been the result of concerted efforts across all the frontline JLOS institutions, improved coordination and communication, and increased use of innovative means to address the backlog, including mediation, plea bargaining and small claims procedures. We are also focusing on specialized measures for some categories of cases including cases involving children and sexual and gender based crime. It is still our commitment to reduce the percentage of case backlog to single digits by 2021 and we are firmly on this path.

### **Access to JLOS services**

The Sector also set out to extend its services throughout the Country. In 2016/17, 59.3% of districts had one-stop frontline JLOS service points. With the construction of JLOS centres around the country, we have now expanded coverage to 61.5% of districts. I thank our partners who have consistently contributed to our construction programmes and the extension of JLOS services around the Country. In tandem with the extension of services, we

have seen an increase in case filing, case disposal and more coordination among JLOS institutions. We have also seen a decrease in complaints about lost files and overstay in police cells. Agencies such as the Ministry of Justice and Constitutional Affairs, ODPP, UHRC, URSB and DCIC (Passport and Immigration Services), Government Analytical Laboratory and the Law Development Centre have also de-concentrated their services and are now available around the Country. Our presence is surely growing!

We are however still grappling with a shortage of staff in many institutions. Only the Judicial Service Commission has reported a full staff structure. This staffing shortage, which is partly a result of inadequate funding, has affected the functionality of institutions both at the headquarters and in the regional offices. It impacts on the institutions ability to provide adequate and timely services. Until this is addressed, the newly constructed facilities will not be used to their full potential; and efficiency levels will fall short of what is expected. The critical shortage of staff across all JLOS institutions must be addressed if we are to achieve the objectives of the SDP IV.

### **Local Council Courts and Informal Justice Systems**

I am glad to report the re-constitution of the Local Council Courts system following the successful conclusion of Village and Parish Council elections. With the support of our partners, particularly the

Democratic Governance Facility, we have been able to prepare for their capacity building in anticipation of their roles in dispute resolution. We have fully prepared trainers in place and training materials are available. Desk Officers have been placed in all the districts to oversee the establishment of the Local Council Courts at all levels. The Judiciary in turn is building the capacity of the Magistrates to perform their supervisory role over these local courts. The Local Council Courts and other informal justice systems are a critical part of our justice system. They are a first point of call for the majority of citizens in dispute resolution and as such they play a vital role in creating and maintaining the trust and participation of the public in the justice system.

### **Children and Juvenile Justice**

The Sector's Justice for Children programme has grown in strength. The Coordinators located around the Country are well integrated into the District Chain-Linked Committees and are working closely with the institutions to ensure that child friendly processes and diversion programmes are implemented.

Different institutions have instituted other measures to support the child-friendly environment. For instance, the Ministry of Gender Labour and Social Development has completed the Kabale Regional Remand Home and commenced on the construction of the Moroto Regional Home to provide appropriate accommodation for children in conflict with the law.

Institutionalization of children remand homes in the justice system is not our primary goal and diversion is being promoted as the most appropriate alternative for children in conflict with the law, in order to ensure that their growth and development is not brought to a halt by the justice system. It is however necessary for us to provide suitable accommodation where diversion is not an option because the absence of these facilities across the country has resulted into gross injustices to children. These regional remand homes are therefore of great need to our juvenile justice system.

The Legal Aid Clinic of the Law Development Centre, the Legal Aid Project of the Uganda Law Society and Justice Centres Uganda together with the Police, ODPP and Courts, continue to emphasize diversion of children from the Justice system, whenever possible. With the reinstatement of the Local Councils at the village and parish levels, this strategy will be further strengthened as the offices responsible for diversion of children are based at the village and parish levels and we will now be able to empower them to perform these functions.

On another front, the ODPP has created a child-friendly space in its facilities as part of its efforts to improve the response to the needs of children who are witnesses or victims of crime, thereby reducing the trauma of the judicial process. It is expected that these facilities will be replicated throughout the Country.

## **Sexual and Gender Based Violence**

The efforts to respond to Sexual and Gender Based (SGBV) crime are multi-faceted. These include amendments of the law that have taken place and strengthening of measures to ensure effective implementation of the laws and policies. Specialized training is planned for CID Officers aimed at improving their investigation skills, particularly in SGBV cases. The ODPP has prepared a Prosecutors' Manual to guide State Attorneys in the handling of SGBV cases and the Judiciary is in advanced stages of arranging Special Sessions of Court to specifically address SGBV cases.

There are still challenges with forensic examinations, particularly DNA examinations that are critical to SGBV cases. Regional laboratories have been constructed, however they lack critical equipment, particularly the Genetic Analyser. The acquisition of these items will be one of the areas of focus in improving the handling of SGBV cases.

## **Innovations**

We have seen significant innovations from institutions, resulting in a reduction in lead times for registering a business and obtaining work permits. There have also been reforms to the Trade Licensing laws to reduce the number of permits required to start a business. These innovations are all being bolstered by increased use of technology and e-based services that are expected to culminate in more integration of JLOS services.

The innovations have addressed aspects of customer service and engagement, outreach and public education as well as adoption of e-based platforms to facilitate faster delivery of JLOS services.

We have partnered with the private sector and civil society to identify and nurture innovators and entrepreneurs who are developing new ways of looking at the delivery of public and particularly justice services. Some of these innovators will be introduced to you today. These partnerships and mentorship programmes create a space for mutually beneficial ideas that will enhance and enrich our efforts as a Sector and we look forward to their further growth.

This is however only the first year and a lot remains to be done. Challenges remain that have the potential to derail our progress and in so doing reverse any gains that have been made as far as public trust and satisfaction is concerned.

### **Crime and insecurity**

Despite the overall reduction in the crime rate, this past year has been plagued by an upsurge in violent crime. Kidnaps and murder have been frequently reported, casting a shadow on perceptions of safety. The key challenge for the Sector is ensuring adequate measures to prevent crime as well as strengthening the capacity of institutions to investigate and handle crime once it happens. The Sector had targeted a reduction in the crime rate from 298

incidences for every 100,000 persons to 287 by 2020. This year, the crime rate stood at 287.9. We therefore clearly registered some achievements and are firmly on course to achieve the SDP IV target. However perceptions are critical in this area and we shall emphasize measures that address the growing areas of crime and our ability to respond fast and effectively to these.

### **Human Rights and the fight against Corruption**

In terms of observance of human rights and promotion of accountability, the focus is on enhancing human rights awareness and practice at sectoral and institutional level to reduce the incidence of human rights violations and mainstream the national policy on zero tolerance to corruption.

We are on course to realize planned targets by 2020/21 under the fight against corruption demonstrated by improvement in the 2017 corruption perception score by Transparency International from 25% to 26%, narrowing the overall performance gap by 20%. This has been attributed to sustained enforcement of internal and external accountability by the Sector and other public institutions.

The culpability of JLOS institutions for human rights violations continues to reduce. A 2.1% reduction was registered by the Uganda Human Rights Commission (UHRC) from 46% to 43.9%. Nonetheless, the incidences over the past months have made the issue of torture one of national and international debate. It is

important that we stand firm as a Sector and take a stand against torture and all forms of cruel, inhuman and degrading treatment or punishment. We reiterate our stand against torture and all forms of cruel, inhuman and degrading treatment or punishment and emphasize that individuals should be held accountable for any acts of torture that they perpetuate. We firmly believe that with the coming into force of the much anticipated regulations under the Prevention and Prohibition of Torture Act, the law should be fully enforced and we will continue to emphasize this.

### **Prison Congestion**

The current prison population stands at about 52,000, while the holding capacity is 18,000. The population is therefore about 3 times the capacity and therefore congestion remains an outstanding challenge for the Sector.

Through construction and renovation programmes, the holding capacity has increased from 11,000 to 18,000 over 10 years. Congestion is still high, however there are other efforts to reduce the prison population pressure such as improved investigations, strengthened prosecution and enhanced case disposal. The remand/convict ratio, stands at 51/49 and conviction rates stand at 62%. It can therefore be discerned that 38% of the remand population should not be in prison. Nonetheless, the prison population is likely to remain high and efforts must continue to

renovate and provide more appropriate facilities to ensure that human rights standards are met.

### **Commercial Justice and Improved environment for investment**

In terms of strengthening commercial justice and the environment for competitiveness, the Sector took the strategic decision to reform, enforce and update laws to promote competitiveness and regional integration. Significant innovations from key institutions have resulted in a reduction in lead times for registration and licensing processes. Automation continues to be a key strategy for providing customer-oriented services that promote faster disposal of cases, registration of documents and issuance of permits and licenses. It is expected that the automation process will culminate in more integrated services. It is therefore important that we continue to support the processes of automation in JLOS institutions, including the Judiciary in line with agreed protocols for integration and data sharing. The concept of 'Ask Once' promotes the notion that information that has been provided to one institution, should not be asked for by another. Instead a client should be confident that once they provide the information to one institution, it should, within agreed parameters and cognizant of privacy laws, be available to others. This will reduce the number of times a client is asked for key data such as date of birth, place of residence and occupational details. This should be the ultimate goal of the integration process.

While we celebrate our collective achievements today, we still have our work cut out for us. I am confident though that the strength of the Sector wide approach will provide the necessary framework for us to address these challenges together. Allow me to take this opportunity to thank all our partners in Government, Civil Society and from the Development Partners for the commitment to our development agenda and the support they have given to us to make it possible to register the successes that we report today.

The challenges notwithstanding, implementation of the 2017/18 workplan appears to be satisfactory. This conference is intended to review the report, consider the successes and challenges, and propose remedial measures to address the short-falls as we continue with the implementation of the SDP IV. I invite you to join me in a frank discussion of the Sector progress and challenges and in charting out a path for the year ahead.

I thank you all for your personal attendance today and it is now my honour and pleasure to declare the 23<sup>rd</sup> Annual Joint JLOS Government of Uganda – Development Partners Review Conference open.

Bart M. Katureebe

**CHIEF JUSTICE AND CHAIRPERSON OF THE JLOS  
LEADERSHIP COMMITTEE.**