

Speech by Henk Jan Bakker,

**Ambassador of the Kingdom of the Netherlands and Chairperson of
the Justice, Law and Order Development Partners' Group,**

**On the occasion of the 23nd Annual Review of the Justice Law and
Order Sector – 4 October 2018**

My Lord, the Chief Justice,

My Lord, the Deputy Chief Justice,

My Lord the Principal Judge,

Honourable Ministers in your respective capacities,

Honourable Attorney General,

Honourable Justices of the Supreme Court and the Court of Appeal,

Your Excellencies and Heads of Diplomatic Missions in Uganda,

The Secretary to Cabinet and Head of the Public Service,

Members of Parliament Present,

Honourable Justices of the High Court and Judicial Officers here present,

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,

Representatives of Civil Society, the Media and Non-State Actors,

Invited Guests,

Ladies and Gentlemen,

Good morning

It is a great pleasure and honour for me to make some opening remarks on behalf of the JLOS Development Partners on the occasion of the joint 23nd Annual Review by the Government of Uganda and its Development Partners of the Justice Law and Order Sector.

First of all, let me express my appreciation for holding this annual review much more timely than last year. The deliberations of today allow us to still adjust the JLOS Work plan 2018/19 if and where required. In particular those result areas where progress is lagging behind, concerted corrective actions could be considered.

Secondly, I would also like to express from the outset the appreciation of the JLOS development partners for the hard work and commitment of the JLOS Secretariat, the JLOS institutions and the JLOS Leadership, culminating in this annual review where we take stock of the sector performance of the fiscal year 2017-2018.

We recognize that it's not an easy task to produce an annual report that reflects all the collective achievements of the 18 JLOS institutions and that meets the expectations of all stakeholders involved.

My Lord the Chief Justice, last year I started my opening remarks by referring to your strong appeal for more transparency and accountability within the sector. And on many other occasions during this last fiscal year, you have by your spoken word and actions, repeated this important message over and over again.

We applaud your leadership of the Judiciary and your strong commitment to build more confidence of the Ugandan citizens in the justice, law and order sector.

In fact, building confidence is at the core of the sector development plan 2017 – 2020 with its mission to improve the safety of the person, security of property, and access to justice for inclusive growth with the slogan:

Empowering the people. Building trust. Upholding rights.

It is important to keep on reminding ourselves of this ambitious mission since it constitutes the benchmark for the assessment of the sector performance, asking questions such as:

- Is SDP-IV making a difference in the lives of the Ugandan citizens in terms of safety and security and if so, how do we know that? What is the evidence and how has it been measured against baselines and targets?
- Are the political will and the institutional capacity of the sector strong enough to implement this ambitious agenda of SDP-IV?
- Are the linkages of the sector with the Social Development Sector, Civil Society and the Private Sector in place to enhance synergy and collaboration?
- What am I as an individual doing to enhance the work of the JLOS sector?

These and similar questions, concerns and challenges are on the table and will hopefully guide the deliberations of today.

Looking back, I think it's fair to say that the Annual Plan 17/18 of the SDP-IV has been implemented under circumstances that were not always very conducive for smooth sailing towards its annual targets.

There has been some heavy weather so to speak.

Let me briefly mention just a few front-page events and incidents.

The constitutional court judgement of 26 July on the Constitutional Amendment Act no 1 has provoked heated debates and the process itself, such as the consultations, has received serious criticisms from many corners of society.

Similarly, the first local council elections in 16 years, while widely acclaimed, generated a number of questions and concerns from different stakeholders.

I don't need to go into the details here, but the suspension of the accreditation of CCEDU to observe the elections, for example, raised many an eyebrow.

The Ugandan citizens have witnessed a series of still unresolved gruesome murders of women, police officers and key politicians, putting the UPF – one of the core JLOS institutions - in the spotlight of political and public attention.

The arrest and incarceration of the former IGP, former police officers and the leader of the BodaBoda 2010 all of whom are being tried in the military court martial on various charges.

And going back a little bit further in time, after two years of the Kasese incident, an independent investigation still hasn't been carried out, reports of the Uganda Human Rights Commission and the Defence and Internal Affairs Committee of Parliament have not been made public and the victims are still waiting for justice for the 151 persons (including children) who were killed.

I also want to mention Arua and its aftermath although this falls outside the reporting period.

The scale, the intensity, the type and the outcome of the violent response of the security forces have been well documented, have generated strong condemnation and widespread dissatisfaction among citizens and youth in particular, but so far nobody has been arrested and prosecuted.

My Lord, Chief Justice, I mention these cases not to bash, or to point fingers or to put Uganda in a negative daylight.

I do so because they jeopardize the mission of SDP-IV and the sector investments of the Government;

but they also have an impact on the effectiveness of our contributions and on the political space back home to continue supporting the sector.

In my speech of last year, I alluded already to these risks when I said: "these incidents can set a trend that will compromise the progress made under SIP III of the Justice, Law and Order Sector".

Now, one year later, I see that these incidents indeed seem to have set a trend.

We – the JLOS Development Partners - urge the respective authorities to take all necessary measures to reverse this trend.

After all, this trend could impact peace, security and stability with all its consequences for the Ugandan citizens and the development of the country as outlined in Vision 2040.

As we all know, stability and respect for the rule of law are some of the most important selling points to attract trade and investments.

And Uganda needs to boost trade and investment for the creation of employment for a very fast growing number of unemployed youth.

My Lord, in spite of these incidents and its insufficient budget, SDP-IV has managed to deliver significant results.

I am therefore very pleased to inform you that our overall appreciation is that the sector has performed quite well.

Allow me to walk you through some of these results.

We have noted good progress in terms of infrastructure, staffing and staff capacity development, case management, procedural laws, supervision and inspections, and outreach activities.

The number of districts with one-stop frontline JLOS services has further increased and access to legal services has expanded for which JLOS has also received financial support from the Democratic Governance Facility.

These and similar developments are having a positive impact of the internal efficiency of the sector as indicated by the clearance rate and case disposal, among others.

Of course, efficiency needs to go hand-in-hand with anti-corruption, quality assurance and transparency of the services provided.

Relatively simple technology is available and being tested to systematically collect information from the clients of the service satisfaction rate.

An interesting pilot is being conducted in a number of police stations in Kampala by an organization called SEMA in close collaboration with the UPF.

The information generated through this pilot at the level of a police station, is very helpful for performance assessment and improvement by the police officers in the piloted stations.

Later this morning, you'll learn more about this pilot.

My Lord, the Chief Justice, allow me to say a few words about progress under outcome 2 – human rights and corruption.

As also noted in previous years, only marginal progress has been recorded towards meeting the targets. More significant progress can be achieved if human rights violations are more strictly addressed in line with the legal frameworks.

The approval of the Regulations for the Prohibition and Prevention of Act is an important step forward.

I also would like to mention here the need to approve the Regulations under the Children's Act.

The National Survey on Violence against Children in Uganda, which was recently launched, shows high levels of violence against boys and girls.

A stronger and coordinated response is needed from all key JLOS institutions to prevent and address these crimes against defenceless victims in close coordination with the social welfare and health sectors.

At the same time, we acknowledge some promising developments such as:

- the improvement of the clearance rate of the Uganda Human Rights Commission,
- the decentralization of court awards,
- the setting up of human rights desks in key JLOS institutions,

- the scaling up of Joint JLOS inspections
- and the inspections of the Human Rights Commission and the UPF in places of detention,
- and the many outreach activities that were carried out.

Let me now turn to commercial justice and competitiveness, the third strategic outcome of SDP-IV.

It is laudable to note that the led time is improving for doing business and that the number of Ugandans with national IDs is increasing.

The Ugandan Registration Services Bureau is commended for reaching out to groups like youth and women.

Improved disposal of commercial and land disputes is also a promising result though there is still a long way to go.

My Lord, there is evidence that each of the three outcome areas shows progress and our general conclusion therefore is that SDP-IV is on track and moving in the right direction.

The sector performance is slowly improving and public confidence is slightly increasing.

At the same time we also need to recognize that these incremental improvements are not sufficient for the JLOS reform agenda to get momentum.

The following conditions are still to be met for that purpose.

First, sufficient and adequate financial and human resources need to be allocated to the sector to meet the growing demand for JLOS services due to population growth and improved access.

Uganda not only need more doctors, teachers and nurses but also more and better judges, prosecutors, police officers and prison wards, to mention but a few. And the conditions need to be in place so that they can all perform their duties optimally.

Secondly, a much stronger political will is required to support the JLOS reform agenda.

The frustration – if I may call it like that – is growing in the sector and among the development partners that critical policies and laws don't get the necessary political support for approval, endorsement and enactment.

We strongly urge that the pipeline for critical legislation and policies be cleared without any further delay, such as the Judiciary Administration Bill, the Witness Protection Bill, the Legal Aid Policy and Bill, the Transitional Justice Policy and Bill, the Marriage and Divorce Bill and several other regulations.

Once approved and enacted, they strengthen the independence of the Judiciary and the sector as a whole and promote access to justice for the vulnerable groups in particular.

The third condition is that corruption needs to be addressed more strongly and more effectively.

While we would like to commend the sector for acknowledging the existence of corruption within its midst and putting in place strategies to eliminate and prevent the vice, tangible progress should be demonstrated lest the citizens and investors lose trust and confidence in JLOS.

It is imperative for the sector to tackle the challenge of corruption head-on and frankly through collaborative approaches in the sector. The commitment should be demonstrated by concrete action spearheaded by the Office of the DPP, the police and the judiciary along with other stakeholders represented here today.

With proper coordination, allegations of corruption in JLOS and detection by the Auditor General of financial irregularities should be followed up more systematically through criminal investigations, prosecutions, adjudication, asset recovery and proper administrative management.

JLOS Institution leaders should understand that they can be held accountable for corruption in their respective institutions.

There is great scope for improvement especially if interventions by JLOS institutions to curb corruption are harmonized with the specific efforts under the Accountability Sector Strategic Investment Plan, including protocols for information-sharing and case referrals.

My Lord, the Chief Justice, observance of human rights is the pillar of SDP-IV and of our cooperation and partnership with the sector. Allow me to quote the SDP-IV:

"The Vision 2040 highlights the observance of human rights as a critical feature of Uganda's governance and rule of law architecture. This is also a fundamental intervention that promotes the citizens' dignity in development, and impacts on Uganda's national and international governance rating. Continued human rights violations undermine the rule of law and constitutionalism in Uganda, erode public confidence and trust in JLOS institutions, and stands in stern contrast to our regional and international obligations"

The provisions in Uganda's legal framework and international treaties to which the country has acceded, provide all necessary conditions to effectively address human rights violations.

Acts of torture, violence and repression have no place in Uganda - and can never be justified under any circumstance. We commend the statements by the leadership of the Judiciary that the freedom from torture is a non-derogable right; and that the dignity of the person should be upheld at all times.

It is therefore the duty of all state actors and institutions including security forces to respect and promote the rights and freedoms guaranteed without undue or arbitrary qualifications.

Where breaches occur, swift and effective sanctions and accountability should be meted out against the errant officers.

This brings me to what I would like to call the culture of impunity.

Impunity equals injustice.

Ensuring compensation of victims of torture or other human rights violations is paramount, but equally important is that individuals, who have committed these crimes, are being brought to justice. Prosecution and conviction serve as deterrents and enhance individual accountability.

My Lord, the Chief Justice, I have talked about a series of critical issues within the sector and its political context.

My comments and suggestions are made in view of the progress and challenges of SDP-IV.

Before closing my remarks, I would also like to share a concern that we should include in our deliberations of today and that is wildlife crime. It is not yet on the SDP Agenda but I think it should be given serious consideration.

It comprises the fourth largest global illegal trade after narcotics, counterfeiting of products and currency, and human trafficking, and is estimated to be worth at least US\$19 billion per year.

It is a lucrative business for criminal syndicates because the risk involved is low compared to other crimes and high profits can be generated. Some reports even suggest that illegal wildlife trafficking plays an important role into the funding of terrorist organizations.

Wildlife trafficking is transnational organized crime and any organized crime is based on corruption, which systematically erodes our institutions. Sometimes the trafficking can be out of ignorance and a number of "visitors" to Uganda have been arrested as a result of this.

In this regard we applaud the work of the wildlife police and Buganda Road court that has the mandate to try these wildlife related cases. The work of the sector needs to be enhanced to secure Uganda's heritage.

Together we need to ensure good governance in our enforcement and judicial systems.

My Lord, the Chief Justice, as I come to the end of my opening remarks, I would also like to thank you, Chief Justice for the cordial relationship I have enjoyed with you during my time as Chairperson of the JLOS DP's group.

Your passion for the judiciary and the sector is captivating and makes one want to do more for the sector.

I wish you all the very best in the coming years of the sector and we, the Netherlands, reiterate our continued partnership as we hand over the reins to the EU at the end of this year.

On behalf of the JLOS Development Partners I would like to convey my appreciation of our strong and constructive partnership.

We, the development partners, remain firm in our confidence in the sector and in our commitment to stand with or walk by your side in your efforts to achieve a pro-people and transparent justice system.

Thank you for your kind attention and I wish you fruitful deliberations.