

CIVIL SOCIETY ANALYSIS OF JUSTICE, LAW & ORDER SECTOR 2013/14 PERFORMANCE & PROPOSALS FOR 2015/16



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ABOUT CSBAG

Civil Society Budget Advocacy Group (CSBAG) is a coalition formed in 2004 to bring together civil society actors at national and district Levels to influence Government decisions on resources mobilization and utilization for equitable, gender responsive and sustainable development.

Since 2004, CSOs under the umbrella of CSBAG have engaged Government in influencing the budget process to ensure that both the local and national budgets address the needs and aspirations of the poor and marginalized groups of people in Uganda.

OUR WORK



Providing alternative policy and budget proposals to policy makers

Advocating for pro poor budgets

Conducting research on economic policy

Building capacity CSOs in budget analysis and budget advocacy

**All this and more can be found on our website: www.csbag.org!*

JLO SECTOR FINANCIAL PERFORMANCE FY 2013/14

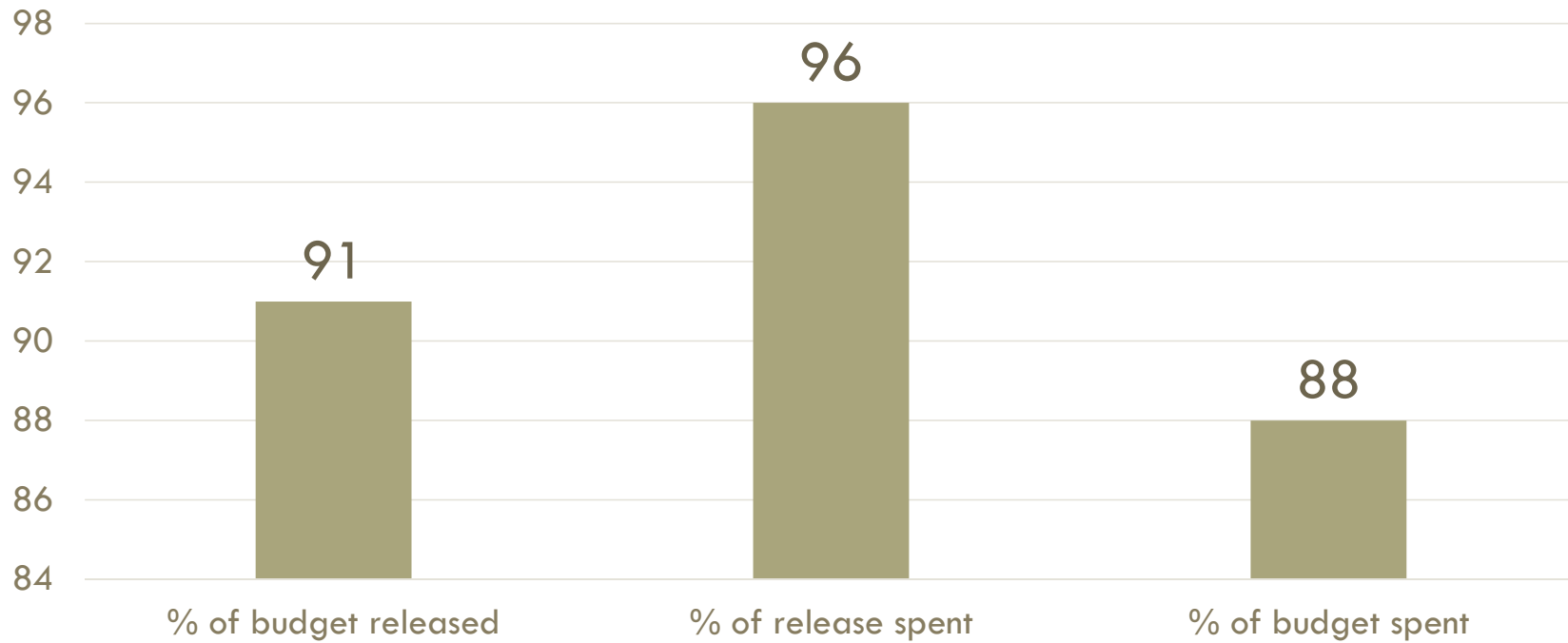


Budget	Budget (UGX Bn)	Released (UGX Bn)	Spent (UGX Bn)	% of budget release	% of release spent
MoJCA	42.209	65.309	57.241	155%	88%
Judiciary	85.116	85.115	85.119	100%	100%
JSC	2.293	2.109	1.992	92%	94%
MIA	10.916	10.846	10.633	99%	98%
DPP	17.190	16.448	16.346	96%	99%
UHRC	9.701	13.038	12.724	134%	98%
UPS	86.660	75.348	70.346	87%	93%
UPF	320.951	377.789	374.166	118%	99%
ULRC	7.026	6.891	6.826	98%	99%
LDC	5.397	5.397	5.397	100%	100%
DCIC	61.421	179.604	179.459	292%	100%
URSB	8.715	8.715	8.457	100%	97%
Total	666.559	846.610	828.707	129%	98%

SUPPLEMENTARY BUDGETS

Budget	Wage	Non Wage	Development	Total
DCIC	0.000	0.00	138.58	138.583
UPF	0.000	60.00	5.50	65.500
MoJCA	0.000	18.43	0.00	18.435

WAGE PERFORMANCE %



ASSESSMENT OF PHYSICAL PERFORMANCE

On a positive note, under outcome 2 (Access to JLOS services particularly for the vulnerable persons enhanced) the following is commended.

- The sector has a capacity to absorb the allocated funds. The approved budget for FY 2013/14 was **UGX 666.559bn**, and by end of the Q4 (June), they had spent **UGX 828.707bn** which is equivalent to 126% of the total budget allocation.
- The sector opened 35 new JLOS service points bringing district functional presence to 75%, all high court circuits now have a resident judge and all courts have a quorum

However, we note that many districts lack DPP stations and there is need to address a number of these issues including corruption

PHYSICAL PERFORMANCE-UGANDA POLICE FORCE

- Police understaffing
- Not enough cells, issues of hygiene
- There are **inadequate cells for women**; they are kept in in-ports, which are too small. This has led to automatic grant of police bond immediately due to lack of space for custody, also in Mbale some police stations have one cell for both female and male
- Issues in accessing justice for Juveniles i.e. juvenile delinquency. Not enough detention centres for children
- The Police is ill equipped, lack of computerized filing systems in place, information is still stored in hard copy form, in most case resulting into files getting lost
- Dilapidated police officers accommodation

PHYSICAL PERFORMANCE-THE JUDICIARY

No chief justice. In no way can you claim and allege that you strengthen rule of law without a person who is supposed to oversee. The country has not had a substantive Deputy Chief Justice since March 2013

Understaffed. (backlog of cases leading to delayed justice and yet justice delayed is justice denied)

Case backlog (The summary of performance of all courts for 2013/14 indicates that a total of 124,897 cases were completed however over 176,700 cases were pending and **36%** of the pending are **two years** and above old)

- Understaffing of the sector. For stance Jinja district alone had 800 cases pending Jinja Resident Judge Godfrey Namondi says that up to 800 cases in his area remain unresolved largely due to lack of judges.



PHYSICAL PERFORMANCE-LEGAL AID

There is need to establish the office of a Public Defender that shall be charged with managing State provision of legal assistance to all persons in need.

Observance of Human Rights and accountability

In the FY 2013/14, the use of a bucket systems was eliminated in **62.7%** of the prisons units. We call for total elimination of this inhuman condition.

CSBAG CONCERNS & RECOMMENDATIONS

Prolonged processing of legislation:

One of the priority JLOS outcomes is to strengthen legal and policy frameworks; however, **important legislations take a long time to be enacted**. For instance the Judiciary Administration Bill, the enabling law for DPP, amendments to laws affected by decisions of Courts and the integration of the East African Community that calls for harmonization of laws and administrative service delivery standards. The absence of such important legislation in the sector affects service delivery at institutional levels, delays the much needed structural reforms in the society and denies the population their rights to justice. Others include; sex offences bill, the Marriage & divorce bill and the succession bill.

Recommendation

JLOS should fast track law reform process, establish a standard timeframe for processing a piece of legislation and encourage all the key players in the chain to respect that timeframe.

CSBAG CONCERNS & RECOMMENDATIONS

Public Confidence in the Justice system:

There is a general perception that, it is impossible for an ordinary person to attain Justice in Uganda from the current JLOS institutions. This is supported by the general **concerns about corruption** of the judicial staff and police (refer to the IGG report to Parliament of January – June 2013). Perception of corruption in JLOs institutions erodes public confidence and culminates into a state of lawlessness. As a consequence, the public opts to committing criminal acts of mob justice as means of executing social justice.

Recommendation

JLOS should strengthen measures to address incidences of real and perceived corruption among all its institutions to build public confidence in the Justice system.

CSBAG CONCERNS & RECOMMENDATIONS

Poor user-empowerment services:

There is a widening gap between people and the law which has mainly been created by the existence of some obsolete legislation, unclear procedures on how to access services and unfriendly reception at the JLOS institutions, laws written in a language that not all can understand and several other technicalities that make justice services inaccessible.

Recommendation

JLOS should increase public user awareness campaigns of laws, regulations, standards and procedures and how to access services at all JLOS institutions.

CSBAG CONCERNS & RECOMMENDATIONS

Absence of legally recognized village and parish Local Council Courts:

Whereas there are Local Council structures, the current office bearers are not legally recognized, awaiting formal election which has delayed for over eight years. JLOS had embarked on an effort of strengthening the judicial system with re-establishment, induction and training Local Council Courts in 54 districts. According to the National Service Delivery Survey, 2004, more people have issues that require intervention at Local Council Court than any other institution in the justice system. More people have confidence in the Local Councils Courts; they are easily accessible and reduce costs involved in seeking for justice.

Recommendation

JLOS should advocate for Local Council elections to be held soon and further strengthen the Local Council Courts by training and facilitation and hence this will reduce case backlog at higher courts

CSBAG CONCERNS & RECOMMENDATIONS

Growing Infrastructure Development gap:

Over time JLOS has continued to improve the availability and accessibility of JLOS. However, the investments are overtaken by an ever increasing population growth rate, the complexity and dynamic nature of crimes, hence an erosion and reversal of the performance gains in the sector. For instance the police to population ratio now stand at 1:812 from 1:880 last FY and far away from the medium term target of 1:500. The prisons population growth in one year which has resulted in occupancy rates from 226% to 238.5%. Over 60% of the JLOS development budget is paid out in rent, which in real terms could build 5 medium sized prisons or ten justice centres or put up a modern office facility to accommodate 15 JLOS institutions.

Recommendation

JLOS should request government to scale up its level of investment in order to narrow the Infrastructure gap in the sector.

CSBAG CONCERNS & RECOMMENDATIONS

Violation of Human Rights by JLOS law enforcement agents:

Although JLOS has tried to advocate for observance of human rights by JLOS institutions, but more is still desired. For instance the compliance with the 48 hour Rule for detention of a suspect without trial is still a challenge; instances of demand for payment for police bond; no mandatory time limit has been provided for detention of capital offenders after committal for trial and; provision of basic necessities and care while in detention.

Recommendation

JLOS should promote and adhere to observance of human rights and accountability across all JLOS institutions in the chain of justice.

CSBAG CONCERNS & RECOMMENDATIONS

Recruitment of JLOS staff:

Although JLOS recruited more Judges at the beginning of the FY 2013/14; there still exist low staff numbers and high staff attrition across most of JLOS cadres. The situation is attributed to the current ban on recruitment and a low remuneration compared to the private sector. It is advisable that Government lifts the ban on staff recruitment in JLOS to attract judicial officers, State Attorneys, Police Officer and Prison Warders to ensure effective service delivery along the entire Justice chain. Coupled with this is lack of appointment of a substantial judge.

Recommendation

JLOS should recruit the necessary staff to deliver justice to the desperate Ugandans on remand in various detention centres.

STATUS OF AG REPORT CONCERNS 2012/13

- Court awards and compensations- figure grew from 82bn in 2011/12 to 164bn in 2012/13.
- Unexplained miscellaneous expenditure (Pg 156 of AGR 2012/13.)
- Budget performance /shortfall in budget releases– for over 5years the sector allocation is only 4.5% of the total National budget to finance about 1/3 of government including the third arm of government
- Inadequate provision recurrent expenditure

CONCLUSION

The rule of law is the basic foundation for all economic activity and the protection of rights. It is in the interest of all to have a system that protects life, property and investment. Without a strong rule of law it is always hard to ensure a conducive environment for the above. There is need for efficient courts and justice systems to ensure that rights are protected. The current engagement between the justice agencies, development partners and CSOs gives glamour of hope and its important to ensure that the country has a system that protects vulnerable groups.

