

Speech by His Excellency Dónal Cronin
Ambassador of Ireland & Chair of JLOS DPG
at the 20th Annual JLOS Government of Uganda /Development Partners
Review, 15 October 2015, Munyonyo, Kampala

The Honorable The Chief Justice,

The Honorable The Deputy Chief Justice,

The Honorable Attorney General of Uganda

The Deputy Attorney General of Uganda and Minister of State for Justice and
Constitutional Affairs,

Minister of State for Internal Affairs

Justices of the Supreme Court and the Court of Appeal

The Honorable The Principal Judge

My Lords, the Judges of the High Court

Honorable Members of Parliament,

All Heads of all Government Institutions

All Heads of JLOS institutions,

All Registrars and Magistrates here present

Representatives from civil society and the private sector,

Representatives from the media,

Fellow development partners,

Distinguished guests,

Ladies and gentlemen,

It is a great pleasure and honor for me to participate in this 20th Annual Review of the Justice Law and Order Sector and to deliver this statement on behalf of the development partners engaged in the sector.

I would like to start by congratulating the sector on the appointment of the new Chief Justice and Deputy Chief Justice ending a two-year vacuum at the helm of the Judiciary.

Congratulations Hon. Chief Justice Bart Katureebe and Hon. Justice Steven Kavuma on your appointment. Please be confident that you can count on our continuous support under your leadership.

I would also like to take this opportunity to pass on our condolences to the sector on the untimely death of General Aronda Nyakairima, the former Minister of Internal Affairs. We fondly remember General Aronda for his amiable character and willingness to always engage but above all for the wonderful work he did in getting the national identity card project off the ground.

He was the kind of person who embodied the meaning of the famous words of the late South African President Nelson Mandela: *"Vision without action is just a dream, action without vision just passes the time, and vision with action can change the world."*

General Aronda understood the importance of not just imagining a better world, but achieving it through deliberate action. May his Soul rest in peace.

In the same vein, allow me to once again pass on our condolences to you on the loss of Joan Kagezi. We condemn the gruesome manner in which she was killed and hope that the perpetrators of this hideous crime are brought to justice and held to account. May her soul rest in eternal peace.

Honorable Chief Justice, your voice has been heard already not only here in Kampala, but throughout the country and the world.

Your messages are loud and clear:

No to interference in the judiciary by the executive and

No to corruption within the institutions of the Justice, Law and Order Sector.

They resonate to all the corners of this beautiful land. We, the development partners, have heard your strong messages too and are fully supportive of this.

You will all probably agree with me that it has been a very special year and the Annual Report documents that progress has indeed been made and confirms the various challenges that the sector had to deal with.

So, let me first and foremost congratulate the sector for the results achieved during the year under review, and for the continued good working relationships with us at the different levels.

The free, constructive and critical exchange of ideas between the JLOS Leadership and its development partners has proven valuable to strengthen our partnership.

I would like to express our hope that we can continue this constructive and critical dialogue even though the financial contribution from some development partners decreased significantly over the past year.

As my Swedish colleague pointed out last year in his speech during the 19th Annual Review, the functionality of the sector is of utmost importance to the delivery of justice for the population.

The sector is critical for strengthening the social contract between the State and its citizens. It is also the instrument for effectively addressing corruption and for enhancing transparency and accountability of the State.

As clearly described in the NDP, the sector is an instrument for realizing economic growth and social development.

The sector is crucial for safety and security for all citizens, for creating a favorable climate for domestic and foreign investments and trade, for inclusive and green economic growth, in short, for achieving the objectives of Vision 2040. In this regard, I would like to assure you of a stronger engagement by the development partners with the sector.

As some of you might know, I was working in Uganda when the JLOS arrangement was developed. I was around soon after JLOS was born, so to speak.

When I look back at JLOS 10 years ago and where JLOS is at this point of time, I think it is fair to say that JLOS has travelled a long and sometimes rocky road, but is still moving in the right direction.

I had a chance to look at the annual report and I'm very pleased to confirm that the overall performance of the sector has again slightly improved as compared to last year.

On behalf of all development partners let me commend the JLOS Leadership, the JLOS Institutions and the JLOS Secretariat for all their hard work, their efforts and engagement that have made this difference possible.

Examples of improved performance include the new initiatives geared towards increasing access to justice to the poor like the scaling up of the small claims procedure to an extra 16 Courts, development of a suspects' profiling information management system by the Uganda Police Force, introduction of plea bargaining and rolling out of Alternative Dispute Resolution mechanisms.

Making a difference takes time, confidence, political will, strong leadership and personal commitment. The sector needs to intensify its search to find additional alternative means to address some of the bottlenecks that hinder access to justice for the poor and vulnerable groups. That is why for us the theme of this Review '*A Pro-people Justice System- profiling Vulnerability*' is very timely, appropriate and critical and we urge that it is mainstreamed across all the Sector activities.

The most vulnerable sections of the population continue to face the greatest obstacles when attempting to uphold and enforce their rights through justice mechanisms. It is therefore important to identify and address the precise barriers that impede fair and equitable access to justice to the poor especially women and children.

Collective undertakings by all JLOS stakeholders should ensure accountability and protection of children and juveniles as well protection of poor women and men against Gender Based Violence.

Ultimately, access to justice can only be achieved when the most vulnerable groups of society are effectively protected and are able to easily seek redress from the institutions in the sector.

As the annual report clearly shows, many deliberate and often successful actions were already undertaken last year by all of you.

However, I hope that you'll agree with me that a lot more still needs to be done if the sector is to meet the fast growing demand for justice, law and order, security and safety.

This growing demand is not just the result of increased awareness of Ugandans about their civic and human rights.

The demand is also increasing simply because of rapid population growth: more people means that the sector needs to expand its capacity to deliver

more and more services and – at the same time - invest to improve the quality of its services.

The next Sector Investment Plan will have to factor in the various demographic scenarios for the medium and long term planning for the further expansion and financing of the sector.

As for the short term, I would like to share with you some of our key concerns. We have only two years left before the Third Sector Investment Plan comes to an end.

So, this is a suitable time to review what the sector has achieved and more critically look at how the sector plans to deal with the outstanding challenges that have continued to hold back the sector's performance.

In this regard, there are a few issues that we like the sector to address:

First, we are increasingly concerned that there is still lack of progress on some of the policies and proposed legislations for example the Judiciary Administration Bill, the Legal Aid Policy, the Transitional Justice Policy, the Witness Protection Amendment Bill and the Children's Act Amendment, to mention but a few.

We expressed the same concerns last year. Therefore, we urge you again to expedite the process of ensuring that these are enacted and operationalized.

Secondly, we know that internal and external accountability of the sector is critical in ensuring rule of law and respect for human rights, more so in light of the upcoming elections. However, we note that some of the institutions within the sector continue to rank as the most corrupt institutions in the public sector as well as leading in human rights violations. It is against this background that we urge the sector to scale up corrective sanctions and ensure that there is strong public confidence in the sector.

That is why incidents like the one that that happened on Saturday 10th in which the police exhibited excessive use of force should be of particular concern to us and the Sector. We also have concerns about the rollout of "crime preventers" and different announcements regarding the establishment of various "militia" as these "militia" have the potential to ferment election violence. We encourage the sector to spearhead the process of building consensus and ensuring that relevant election related laws, including the Public Order Management Act, are implemented in a manner that does not counteract legitimate political activities.

In regards to corruption, we encourage the Anti-Corruption Units of JLOS institutions to ensure that there is effective investigation, prosecution and sanctioning of corruption cases both from within the sector and those that come to the sector.

The sector's anti-corruption strategy should be operationalized by all JLOS institutions with adequate staffing and budget so that effective actions can be undertaken and compliance with the law can be enforced.

Thirdly, we are also concerned that recommendations of the Auditor General are not always adequately followed up and addressed by some JLOS institutions.

We would like to urge the sector to put in place appropriate strategies to implement the Auditor General's recommendations.

Lastly, we would like to raise once again the issue of case backlog and overstaying on remand. Delay in granting litigants' audience is not only a human rights violation of Ugandans, women and men as well as girls and boys, caught up in the justice system but it also affects the levels of public trust and confidence in the sector.

As you all know, justice delayed is justice denied.

To this end, we very much appreciate that the sector has put in place strategies to address this challenge. The annual report demonstrates that case backlog reduction initiatives are being effectively implemented, for example through mediation.

We hope that these initiatives will be sustained and will have a positive effect on the performance of the sector.

We encourage the sector to intensify implementation of all the initiatives that aim at reducing case backlog.

In the same breath, we wish to express our concern about the very limited legal aid service provision in Karamoja. We fully agree with JLOS on the urgent need to open a legal aid clinic in this area as planned in the current annual work plan.

Accordingly, through the Democratic Governance Facility, development partners have agreed to provide further funding to the Uganda Law Society to open a Legal Aid Clinic in Moroto. It is expected that this clinic will serve the districts of Abim, Amudat, Kotido, Nakapiripirit and Napak districts.

Let me be frank with you: of course this is by no means sufficient, but it is at least a beginning.

We appeal to you to take all necessary actions to ensure that there is a functioning justice system in Karamoja, including effective presence of an adequate number of Magistrates in the region.

I also take this opportunity on behalf of the development partners to urge the relevant authorities to expedite the appointment of the Chairperson and Commissioners to the Uganda Human Rights Commission.

The absence of the Chair and Commissioners has to a great extent paralyzed the operations of the Commission and its tribunal function which is a useful tool for improving access to justice and respect for human rights.

A functional Human Rights Commission would also be very useful in forestalling elections violence and election related abuse of human rights.

In the same spirit, we propose that JLOS should actively contribute to the development and implementation of the National Action Plan on Human Rights as well as the preparations of the next Universal Periodic Review as these activities contribute to the National Development objectives.

In conclusion, I once again congratulate the sector on the achievements during this last financial year. We look forward to an in-depth and frank discussion on the sector's progress and sharing ideas to address the sector challenges.

I wish all of you successful deliberations.

Thank you for your kind attention.
