

PANEL PRESENTATION ON THE THEME:

*“PERCEPTIONS ON THE ADMINISTRATION OF JUSTICE IN
UGANDA”*

BY

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Under Article 129 of the Constitution, the Judiciary is entrusted to administer justice **through the courts of judicature.**

Although Article 21 the Constitution proclaims equality of all before the law the general perception is that Uganda is short of an effective, inclusive, and accountable Judiciary.

The justice system remains elusive especially to the vulnerable and marginalized persons due to institutional and other challenges. Public confidence in the justice system remains far below acceptable standards.

Over the years, perception surveys have ranked the Judiciary as one of the most difficult institutions to navigate in Uganda. The general perception is that a poor person can never win a case. While this may not be necessarily true, the perception continues to exist, especially among those who may not have the resources (knowledge, finances, or time) to navigate through the system themselves.

The justice system has the highest levels of inequality with the rich and powerful having undue advantage over the indigent.

As this attitude persists, many legal disputes, including criminal cases, are not brought to formal justice system institutions such as the police, prosecutor or courts. This leads to mob justice, prolonged community wrangles and impunity.

The most prevailing perceptions can be summarized as below:

- 1. *Inaccessibility:*** Geographically distant: Justice services are often located far from where people live and where communities may feel they do not have the resources needed to pursue a case.

The ongoing efforts to operationalize the judiciary structure will go a long way in taking justice closer to the people. The challenge is that other institutions that complete the justice circle may not move at the same pace due to funding gaps.

- 2. *Undue delays:*** The system is littered with undue delays. It is perceived as slow and corrupt.

Procedural delays are caused by well-connected defendants. Judicial processes are very tedious and quite cumbersome. It is not possible to determine the end date of a case at the time of registration. There are unregulated interim processes that slow down the expeditious determination of the main disputes. Appeal processes are also lengthy and tedious. For example, in land cases, the perception is that the rich and powerful are happy to be sued, provided they are in possession.

3. *Justice is for the rich.* There is a perception that the judicial system is riddled with corruption (real and perceived). The public is also concerned about the high cost of accessing justice. Legal fees can't be afforded by the poor. It is perceived that there is a high-rate of direct bribery and other forms of irregular payments in return for favorable judicial decisions.

Unfortunately, most of the integrity surveys have consistently ranked the judiciary among the top most corrupt institutions in Uganda.

4. *Influence peddling.* There is a perception that the judiciary is not sufficiently independent. There is perceived political interference in the work of the judiciary. There is also a perception that those who are politically or socially connected easily access justice at the expense of the less privileged.

5. *Justice is for the educated.* The language and procedures of court are complex. There is a perception that the common person is always left out. The use of legal jargon that cannot easily be translated into local language affects the understanding of majority court users.

6. *Ineffective and "unfair"*. Reflected in the lax and disproportionate sentencing regimes and orders/remedies.

These perceptions have quite often manifested themselves into realities in actual administration of justice.

Conclusions

On a positive note, the Judiciary is making remarkable progress in addressing the negative perceptions in the administration of justice through innovations aimed at backlog reduction (plea bargains & mediation); Public engagement (for accountability); Building physical infrastructure (for establishment of more and better courts); Establishing specialized courts (for effective case handling); System-based innovations like ECCMIS (to offer quick and effective service); The ongoing recruitment of judicial officers and opening up of more courts (to take justice closer to the people) etc.

It is important to note however, that the Justice ecosystem is made up of many actors, including; the public, the police, the prosecutors, the courts, the prisons, probation services, the ministry of justice, the private advocates, who contribute directly and indirectly towards assisting the courts to administer justice.

Tremendous strides are being made by the judiciary. The challenges however, is that those strides by themselves alone may not be effective in changing the perceptions on the administration of justice in Uganda unless all the key players in justice circle are effective and efficient in discharging their mandates.