



Assessment Report
on Implementation of the JLOS
**Anti-Corruption
Strategy 2012**

A CSO Perspective

April, 2019



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ACRONYMS

ACCU	Anti-Corruption Coalition Uganda
ACD	Anti-Corruption Division
ACS	Anti-Corruption Strategy
CIID	Criminal Investigations Department
CPI	Corruption Perception Index
CSOs	Civil Society Organizations
DGF	Democratic Governance Facility
DTM	Data Tracking Mechanism
FY	Financial Year
GoU	Government of Uganda
IEC	Information Education and Communication
IG	Inspectorate of Government
IG	Inspectorate of Government
INFOMIS	Information Management System
JLOS	Justice Law and Order Sector
JSC	Judicial Service Commission
LASPNET	Legal Aid Service Providers Network
LASPs	Legal Aid Service Providers
MDAs	Ministries, Departments and Agencies
NSDS	National Service Delivery Survey
ODPP	Office of the Director of Public Prosecutions
SIP	Strategic Investment Plan
SSA	Sub Saharan Africa
UBOS	Uganda Bureau of Statistics
UPF	Uganda Police Force
URA	Uganda Revenue Authority

FOREWORD

Corruption remains an insidious barrier to Uganda’s development through undermining integrity and effective performance of institutions. The Justice Law and Order Sector (JLOS) institutions have not been spared by the malaise of corruption. According to recent studies including surveys at both international and national level, justice institutions such as Police and Judiciary have continuously been reported to be prone to corruption which is manifested in different forms. The poor, vulnerable and marginalized are more affected by corruption in JLOS because they cannot afford to oil the system in exchange for compromised investigation, or favorable case outcomes.

In an effort to curb corruption in JLOS, an Anti-Corruption Strategy was developed in 2012 to among others; reduce corruption in the sector institutions, as well as build and strengthen the quality of accountability in the country as a whole. The JLOS Anti-Corruption Strategy 2012 is anchored in the National Anti-Corruption Strategy (2014-19) vision of Zero Tolerance to corruption. It has however been noted in our Assessment that despite the existence of policy and legal framework, only 3 JLOS institutions namely Judiciary, Uganda Police Force and Uganda Human Rights Commission, had developed customized strategies by 2018.

Its against the above background that the Legal Aid Service Providers Network (LASPNET) with support from the Democratic Governance Facility (DGF) conceived a Corruption Monitoring Project aimed at supporting the implementation of the JLOS Anti-Corruption Strategy (JACS). The project which commenced in July 2016 has been implemented through Whistleblowing of both good practices and corruption incidences to inform both policy and practice change. Furthermore, the project is implemented through a media campaign dubbed **“Break the Silence on Corruption”** which seeks to enlist public participation in the corruption fight the manifestation. The project has also been preparing institutional reports and shared with the selected 3 JLOS Institutions namely; The Judiciary, Uganda Police Force and Office of the Directorate of Public Prosecutions. Additionally, in 2017 LASPNET published an Annual Progress Report on Corruption Monitoring titled **“Socio-Economic Drivers and Causes of Corruption in the JLOS Sector”** which examined the manifestations of corruption in the justice system from a socio-economic perspective.

Subsequently, in December 2018, LASPNET engaged a consultant to undertake the development of an Assessment Report on Implementation of the JLOS Anti-Corruption Strategy 2012 as well as provide status update on the recommendations of the LASPNET Annual Progress report on Corruption Monitoring (2017). The report findings reveal that despite efforts made by various JLOS institutions to fight corruption, much more requires to be done in terms of resourcing and strengthening institutions charged with a responsibility to promote integrity and accountability in the Justice sector.

It is our sincere hope that research findings are embraced and used by the different stakeholders in JLOS and related MDAs to inform and strengthen JACS mechanisms and other related anti-corruption initiatives.



Sandra Oryema

Chairperson, Board of Directors LASPNET

ACKNOWLEDGEMENT

The Legal Service Provider's Network, is a membership organization of 54 Non-Government Organizations mandated to coordinate and build capacity of its members to deliver quality and affordable legal aid services to the poor and vulnerable. The Vision of the Network is to see a "free and Justice society." The mandate of the Network is to enhance access to justice for the poor, vulnerable and marginalized and this is executed through targeting three critical aspects of Networking and Coordination, Lobbying and Advocacy; Research and Knowledge to support evidence-based gathering to improve Access to Justice. In light of advancing the above mandate especially in relation to Research, LASPNET with financial support from the Democratic Government facility (DGF) undertook the development of: *An Assessment report on Implementation of the JLOS Anti-Corruption Strategy 2012 as well as provide status update on the recommendations of the LASPNET Annual Progress report on Corruption Monitoring (2017).*

The Assessment research was purposely conducted to examine the level of implementation of the JLOS Anti-Corruption Strategy to inform status, challenges, opportunities and possible areas of intervention for effective implementation of anti-corruption activities.

This research has taken us an approximately four months and it was shared with all stakeholders including the JLOS Human rights and Accountability working group to allow them validate and share their insights about the research findings. As we launch and disseminate the final report, we wish to extend our appreciation to our partners and all stakeholders who have provided input that made this research possible. First and foremost, we convey our gratitude to our Premier Donor the Democratic Governance Facility (DGF) for both the technical and financial support which made this research possible.

Similarly, we thank the JLOS institutions we are working with on the Corruption Monitoring project and these include; the Uganda Police Force, Judiciary and the Office of the Director of Public Prosecutions for allowing LASPNET to enter your courtyard and take stock of how you are dispensing your mandates to the citizenry of Uganda. In addition, we acknowledge the contribution of the different stakeholders within JLOS, particularly the Human Rights and Accountability Working Committee who were interviewed and validated this report. The stakeholders that provided information through interviews and or sharing of documents that enriched the report.

In a special way, our appreciation goes to Dr. Ibrahim Kasirye, the Consultant who developed this Assessment report, Mr. Robert Mukobi the reviewer who strengthened the content of the report as well as LASPNET Secretariat staff for their coordination role.

We hope that this Assessment research will offer valuable information as an advocacy tool for the JLOS and strategic justice system actors towards effective implementation of the JACS as well as influence policy reforms towards the realization of the zero tolerance to corruption agenda among JLOS institutions.



Sylvia Namubiru Mukasa

Executive Director, LASPNET

Disclaimer: The contents of the research are the sole responsibility of the authors and do not reflect the thoughts or opinions of DGF. Any omissions are our own.

EXECUTIVE SUMMARY

In a bid to support the implementation of the Justice Law and Order Sector (JLOS) Anti-Corruption Strategy (JACS) 2012, the Legal Aid Service Providers Network (LASPNET) has since July 2016 implemented the Monitoring Corruption Project in three JLOS institutions—Judiciary, Uganda Police Force and the Office of the Director of Public Prosecutions (ODPP). The project was also implemented through a media campaign dubbed, **“Break the Silence on Corruption,”** which utilizes radio jingles and talk shows involving justice service providers. In 2017, LASPNET produced an Annual Progress Report on Corruption Monitoring titled **“Socio-Economic Drivers and Causes of Corruption in the JLOS Sector,”** which highlighted the emerging issues from the feedback from its corruption monitors. It’s against this background that, LASPNET undertook an assessment of the implementation of JACS. The main objective was to identify what aspects of the strategy have been implemented so far, milestones as well as gaps in implementation by the various JLOS institutions. Furthermore, the Assessment highlights areas that can be explored by Civil Society Organisations (CSOs) such as LASPNET in collaboration with JLOS institutions to implement the JACS and other anti-corruption initiatives.

The JACS aimed at reducing corruption in the sector institutions, as well as building and strengthening the quality of accountability in the country as a whole. The JACS targets three pillars namely: (i) prevention of corruption, (ii) detection of corruption, and (iii) punishment of corruption. It was expected that the rollout of the JACS would result into: reduced incidences of corruption and complaints against JLOS officials; improved service delivery, public trust and deterrent punishments administered to convicted persons. Some of the outputs envisaged by the JACS include: enhanced efficient and effective institutional integrity and performance systems; enhanced public awareness on JLOS roles and activities; strengthened structures, systems and processes for detection of corruption and harmonized mechanisms for punishment of convicted JLOS officials.

As part of the outputs targeting **“Enhanced efficient and effective institutional integrity and performance systems,”** the number of audit queries against JLOS staff had to reduce. Our assessment finds that the number of listed audit queries in the annual Office of Auditor General (OAG) reports has fluctuated greatly with no clear trend. For instance, the listed queries for the Judiciary and UPF reduced after FY 2013/14 but substantially increased after 2016/17. Nonetheless, despite the variation in number of queries listed, the opinion of the OAG regarding JLOS institutions has greatly improved. For example, in FY 2012/13, at least 7 JLOS institutions had a qualified opinion (including one that received a disclaimer); the numbers reduced to 6 in FY 2013/14 and thereafter to three in FY 2014/15. By FY2017/18, only one institution received an adverse opinion.

The JACS expected to register a reduction in case handling time. For some institutions, the average time initially increased at the start of the implementation of JACS—rising from 2 years in 2012/13 to 3 years by 2013/14 before consistently reducing to a duration of only 1 year by 2016/17 (against a set target of 6 months). Such long durations in handling complaints can disenfranchise the public and lead to increased perception of syndicated corruption among JLOS institutions.

The overall implementation of the JACS has in some instances faced regulatory hurdles. For example, some anti-corruption institutions within the Judiciary such as the Inspectorate of Courts have no legal framework guiding their activities. Indeed, one of the reasons high-

lighted for the slow pace of handling corruption complaints in the judiciary is the lack of independence regarding investigating and punishing officials accused of corruption. Attempts have been made to change the status quo through the Judiciary Administration Bill. This Bill was presented on the floor of Parliament for the first reading in May 2018—after about four years since it was proposed by the Judiciary. Despite the recommendation by the Legal and Parliamentary Affairs Committee to adopt the Bill, its debate is still stuck due to two contentious clauses on the retirement benefits for Judicial Officers and the composition of the Judiciary Advisory Committee.

One of the output indicators for **“strengthening the JLOS sector’s capacity to detect, investigate and adjudicate corruption was to increase on the rate of handling and disposal of corruption cases”**—a measure of the clearance rate for judicial institutions. The case disposal rate for the Anti-Corruption Division (ACD) of the High Court for most of the years were below the JACS/SIP III targets. The low disposal rates could be partly explained by shortage of staff as well as overall inadequate funding to the Judiciary which affects the number of cases heard in a given year.

The lack of funding has had an impact on the pace of institutional customization of the JACS. By June 2018, only 3 institutions including the Judiciary, Uganda Police Force and Uganda Human Rights Commission had developed customized strategies. Furthermore, 10 institutions are expected to have developed customized policies by the end of FY 2018/19—partly due to the funding boost offered by the JLOS secretariat. Some institutions took time before developing customized strategies due to the fact that they were less prone to corruption practices and as such high prioritization was required for institutions perceived to be more affected by corruption such as Judiciary and UPF. To the contrary, for as long as the institution has a valuable under its control and there is a motivated person who is interested in the valuable, there is a risk of exposure to corruption. Therefore, the institutional Anti-Corruption Strategy is meant to manage the risk.

The JACS called for the development of both an integrated JLOS-wide Information Management System (JLOS INFOMIS) as a step towards minimizing or eliminating human contact with JLOS files—which facilitates opportunistic corruption. The JLOS-wide automation is yet to take off. One of the reasons for the failure to have a JLOS-wide system is the cost—a scoping study estimated the required cost at UGX 50 billion. However, there are several stand-alone institutional systems in place with some being implemented in phases. The ODPP established the Prosecution Case Management System (PROCAMIS) in 2014; however, it is not fully operational—especially at upcountry stations. While on the other hand, the Judiciary is using the Court Case Administration System (CCAS) but as part of its medium-term ICT strategy, it is in advanced stages of acquiring an Electronic Court Case Management and Information System (ECCMIS).

The Assessment observed that among others, funding has affected the implementation of JACS by the ODPP. For example, for FY 2018/19, the ODPP requested UGX 880 million for strengthening inspection and quality assurance but only UGX 120 million was provided. Furthermore, of the UGX 1.5 billion requested for victims and witness protection, only UGX 40 million was offered. In addition, critical anti-corruption activities such as awareness are performed at a very slow pace due to inadequate funding. For example, the roll-out of PROCAMIS throughout all ODPP upcountry offices has been partly blamed on inadequate funding. The above is compounded by recruitment and deployment of the required State Attorneys. For instance, due to severe staff shortage in ODPP, the same officers who undertake routine

inspections also investigate complaints and this is inappropriate with respect to separation of duties as well as potential influence peddling by affected officials.

Within the UPF one of the areas highlighted as pervasive for corrupt activities relates to the issuance of police bond. Although police bond is free, a significant proportion of the public misinterpret and link it closely with court bond—which may or may not be paid for. Due to such ignorance, requests for payment before police bond is issued are a common occurrence. The recent UPF Anti-Corruption Strategy proposes to have a new police form 18 with a watermark in the background indicating that both the police form and bond are free. In addition, it must be a Senior Officer e.g. OC CIID, DPC, or OC-Station to issue a police bond and not the Investigating Officer. Finally, during the daily suspects parade, it's now advised that the officers conducting these parades emphasize to the suspects that police bond is free. Beyond the water-mark, revisions are required on the Police Form 18.

The UPF faces severe financial constraints and this is considered as one of the reasons fueling corrupt practices as staff attempt to find alternative means of delivering public services. For instance, requests for facilitation to cover fuel and photocopying of official police forms are a common occurrence. Given that the UPF is yet to achieve a significant level of automation, it has to rely on stationery for recording statements and the budget allocation for stationery remains dismal. Consequently, inadequate funding greatly curtails UPF activities and asking members of the public to subsidize police activities may be misconstrued for corruption.

One of the anticipated JACS activities not implemented relates to the set up of an impartial tribunal for disciplinary action with representation from all JLOS institutions. This proposed activity appeared difficult without the necessary legal backing. In addition, JLOS institutions foresaw a scenario of possible duplication with existing disciplinary mechanisms. Indeed, in cases where administrative actions have been undertaken and concluded at the institutional level, such a disciplinary matter would be considered closed. Where a matter exceeds the institutional disciplinary committee's jurisdiction, it is expected that such a matter would be referred to the criminal justice system (i.e. Anti-Corruption Court, CIID Police or IG). Consequently, due to the above reasons, attempts to institute a JLOS-wide tribunal were not pursued any further.

What can be done by LASPNET and other CSOs to support implementation of the JACS

CSOs can support the fast-tracking and amendments of specific anti-corruption laws and policies. For example, the Leadership Code (Amendment) Act 2017 called for establishment of a Leadership Code Tribunal to adjudicate any breach of code as referred by the Inspectorate of Government; this tribunal is yet to be set. LASPNET could also form a coalition to support the amendments of specific Anti-Corruption Strategies. Current corruption legislation is hinged on prosecution whereas there is need to explore alternatives such as having the affected official to refund monies without necessarily undergoing prosecution.

In addition, LASPNET can support JLOS institutions identify annual specific anti-corruption activities and ensure they are allocated more funding. This could include supporting or financing **annual reviews** on implementation of JACS and other related anti-corruption activities. Also, through advocacy, LASPNET and other CSOs can ensure that each of the 18 institutions have a designated official/focal person responsible for tracking anti-corruption activities. LASPNET can continue popularizing the "*Break the Silence on Corruption campaign*" in order to encourage the public to report and desist from engaging corruption acts.

1

CHAPTER ONE INTRODUCTION

1.0 INTRODUCTION

LASPNET is a member based Non-Governmental Organization established in 2004 with a membership of 54 organizations spread across 70 districts in Uganda. The Network provides a platform for effective networking and collaboration to enhance legal aid service delivery and access to justice for the most vulnerable and marginalized people. LASPNET's membership has faced tremendous challenges in the provision of legal aid including corruption that undermines their efforts to provide legal aid services for especially the poor and vulnerable people. Efforts by government to fight corruption have yielded some gains such as establishment of strong legal, policy and institutional frameworks on anti-corruption as well as anti-corruption agencies including the Inspectorate of Government, Directorate of Ethics and Integrity, Uganda Police Force among others. Notwithstanding the above efforts, corruption remains materially unresolved.¹

According to the Inspectorate of Government (2016), corruption is the abuse of entrusted power for private gain. It is further a pervasive act and a big development challenge in Uganda and understanding the factors that can curb the vice is both an economic and governance concern. There is evidence to show that corruption is a problem both at National and local government levels, across sectors and government institutions (Office of Auditor General, 2015). More still, recent assessments show that Uganda's global ranking on corruption has stagnated. Specifically, the 2018 annual Corruption Perception Index (CPI) by Transparency International shows that Uganda had moved to the 149th position from the 151st position in 2016 and 2017 out of 186 countries (Transparency International, 2019).²

Justice Law and Order Sectors (JLOS) institutions such as the Judiciary and Police are frequently cited as the most corrupt from both local and international surveys.³ The proportion of citizens who see most/all police officers as corrupt increased from 63% in 2012 to 71% by 2017 while that of judges and magistrates increased from 29% in 2012 to 43% by 2017 (Afro Barometer, 2018).⁴ In addition, the 2015 National Service Delivery Survey (NSDS) indicates that 75 percent of respondents ranked police as the most corrupt government institution followed by Local Governments (50%) and government health facilities (38%) and the Judiciary at 19% (Uganda Bureau of Statistics, 2016).⁵ It's against that background that JLOS institutions remain perceived as the most corrupt public institutions in Uganda.

The JLOS Sector Development Plan (SDP) III (2012/13-2016/17) highlighted the fight against corruption as one of the key outcome results. The strategy sought, among others to mainstream the national zero tolerance to corruption policy in the delivery of JLOS services across all the member institutions.⁶ The primary tool of implementation of this key outcome was the 2012 JLOS Anti-Corruption Strategy (JACS) aligned to the National Anti-corruption strategy. The Strategy aimed at reducing corruption in the sector institutions, as well as building and strengthening the quality of accountability in the country as a whole. The 2012 JACS was

1 LASPNET Whistleblowers' Manual 2017.

2 Uganda was among the bottom 16 countries in SSA with respect to corruption.

3 IGG Bi-annual Government Performance Report (2017); Afrobarometer (2018).

4 Isbell, T and D. Drying (2018) "Ugandans endorse rule of law, but distrust and perceived corruption mar views on courts" Afro Barometer Dispatch No. 253.

5 Uganda Bureau of Statistics (2016) *National Service Delivery Survey 2015 Report*.

6 The following are the 18 JLOS institutions: Judiciary, Office of Directorate of Public Prosecution, Uganda Police Force, Uganda Prison Service, Uganda Registration Service Bureau, Law Development Centre, Uganda Human Rights Commission, Judicial Service Commission, Uganda Law Reform Commission, Uganda Law Society, Tax Appeals Tribunal, Directorate of Citizenship and Immigration Control, Centre for Arbitration and Dispute Resolution, Ministry of Justice and Constitutional Affairs, Ministry of Internal Affairs, and the Ministry of Local Government, Ministry of Gender Labour and Social Development.

not time bound and as such the current JLOS SDP IV (2017-2020) calls for the rollout of the implementation of the JACS as part of the process to enhance the efficiency and effectiveness of JLOS institutions to fight corruption. A major tenet of the JACS was the requirement that the JLOS institutions come up with institutional anti-corruption plans of action given the differences in contexts through which corruption manifests at institutional level.

However, the 2017/2018 JLOS Annual Report indicated that only a few JLOS institutions have made attempts to operationalise the strategy. Indeed, only three institutions have holistically incorporated the strategy in their operational frameworks.⁷ Other institutions have made partial commitment to customize and localize it in their operational frameworks.

LASPNET identified corruption as one of the key bottlenecks hindering access to justice—especially for the poorest and most vulnerable persons; this is supported by various researches and surveys. Within this realm, LASPNET with funding from the Democratic Governance Facility (DGF) is supporting the implementation of the JLOS Anti-Corruption Strategy (2012) through its monitoring corruption project in the Judiciary, Office of the Director of Public Prosecutions and Uganda Police Force.

The project commenced in July 2016 and is achieved through training of Monitors to track both corruption incidences and good practices in three selected JLOS institutions of Judiciary, Office of Director Public Prosecutions (ODPP) and Uganda Police Force (UPF). The above institutions were selected because the majority of poor, vulnerable and marginalized persons interface with them most to access justice. For example, the 2017 National Governance and Peace Survey (NGPS) shows that 20.3% and 5.2% of individuals (estimated at 3.5 million and 0.9 million) reported use of police and court services during the past year (UBOS, 2018).⁸ In addition, the three institutions were selected because of the existence of LASPs currently working with them to support the monitoring project.⁹

In 2017, as part of the Corruption Monitoring Project, LASPNET undertook a study titled; “*The Socio-Economic Causes and Drivers of Corruption in the JLOS Sector.*” The study revealed that corruption in the JLOS is mainly induced by among others poor remuneration and lack of social protection mechanisms among Judicial Officers, State Attorneys and Police Officers. The report made several recommendations such as adoption of technological approaches to manage case files in court; popularizing the JLOS complaint handling mechanisms; improved emoluments and introduction of social protection as well as the need to support JLOS institutions to fast track the implementation of Institutional Anti-Corruption Strategies. With more funding under DGF II, LASPNET will continue with the implementation of corruption monitoring and Whistleblowing initiative through supporting the implementation of the JLOS Anti-Corruption Strategy for the next three years (2018-2021).

The JACS in a broader context envisions “*A corruption free society and the rule of law and respect for human rights.*” The strategy identifies the legal frameworks guiding anti-corruption in Uganda as well as the drivers of corruption within JLOS institutions including those within the control of the JLOS institutions as well as drivers outside the control of JLOS such

7 The three institutions are: Uganda Police Force, The Judiciary through Inspectorate of Courts, and Uganda Human Rights Commission.

8 Uganda Bureau of Statistics (2018) National Governance and Peace Survey Report.

9 The Project is also implemented through: LASPNET Monitors who provide context specific information and a media campaign dubbed, “*Break the Silence on Corruption,*” which utilizes radio jingles and talk shows involving JLOS institutions. The media campaign aims at creating awareness of the JLOS complaint handling mechanism using Information Education and Communication (IEC) materials such as posters.

as adequate remuneration for staff. The strategy targets three pillars namely: (i) prevention of corruption, (ii) detection of corruption, and (iii) punishment of corruption. It was expected that the rollout of the JACS would result into: reduced incidences of corruption and complaints against JLOS officials; improved service delivery and public trust and deterrent punishments administered to convicted persons. Some of the outputs envisaged by the JACS include: enhanced efficient and effective institutional integrity and performance systems; enhanced public awareness on JLOS roles and activities; strengthened structures, systems and processes for detection of corruption and harmonized mechanisms for punishment of convicted JLOS officials. The JACS was therefore a deliberate framework designed to enable anti-corruption planning and targeted action for a significant impact. The Strategy aimed at reducing corruption within the 18 JLOS institutions,¹⁰ as well as building and strengthening the quality of accountability in the country as a whole. One of the unique requirements of the JLOS strategy is that whereas it is a generic document, all JLOS institutions are required to have customized institutional specific strategies. In order to learn lessons from implementation of the strategy, an assessment of why some institutions have implemented part of the strategy and why other have not, is required. It is against the above background that LASPNET commissioned an assessment research on the implementation of the JACS. The purpose of this research was to examine the level of implementation of the JACS; the milestones, challenges; opportunities.

Specific objectives:

- a) To examine the level of implementation of the JACS among the JLOS institutions;
- b) To find out the milestones, challenges and opportunities of the presented by the JLOS Anti-Corruption Strategy;
- c) To explore internal anti-corruption strategies as well as collaboration points where LASPNET can support JLOS institutions to implement the JACS;
- d) To provide a status update on the recommendations of LASPNET's 2017 Socio-Economic perspective research on corruption in JLOS.

10 The following are the 18 JLOS institutions: Judiciary, Office of Director of Public Prosecution, Uganda Police Force, Uganda Prison Service, Uganda Registration Service Bureau, Law Development Centre, Uganda Human Rights Commission, Judicial Service Commission, Uganda Law Reform Commission, Uganda Law Society, Tax Appeals Tribunal, Directorate of Citizenship and Immigration Control, Centre for Arbitration and Dispute Resolution, Ministry of Justice and Constitutional Affairs, Ministry of Internal Affairs, Ministry of Local Government, Ministry of Gender Labour and Social Development and the National Identification and Registration Authority.

2

CHAPTER TWO METHODOLOGY



2.0 METHODOLOGY

The Assessment interrogated three JLOS institutions currently implementing the JACS as well as covered under the LASPNET Corruption Monitoring Project. In addition, three major approaches/data sources were employed. First, is the desk review of relevant existing laws and policies of the JLOS institutions. Such reports include: Uganda Police Force Anti-Corruption Strategy 2017/18-2021/22; draft Uganda Prison Service Anti-Corruption Policy, JLOS Complaints Handling Framework; JLOS mid-term evaluation of the third SIP. Other reports reviewed include the most recent edition of the Corruption Perception Index by Transparency International as well as the JLOS annual reports.

The Assessment also reviewed annual reports such as the Judicial Service Commission reports that list sanctions preferred against errant officers, anti-corruption activities in annual work plans of the various JLOS institutions as contained in the budget framework papers and annual Office of Auditor General (OAG) reports to highlight issues regarding the slow adoption of automation in JLOS institutions as well as the significant staff gaps.

Secondly, as earlier mentioned LASPNET has been implementing the monitoring corruption project through trained Monitors selected among the Legal Aid Service Providers (LASPs) and deployed in areas such as Kampala, Jinja, Masaka, Arua and Gulu. These Monitors produce regular and/or periodic monitoring reports submitted to selected JLOS institutions. The Assessment has analyzed reports for 2018 that document incidences of corruption as well as point out anti-corruption good practices adopted by JLOS institutions.

Finally, the study conducted a secondary data analysis of a national survey on governance—to profile trends in trust of surveyed JLOS institutions. The 2017 National Governance, Peace and Security Survey (NGPSS) captured information on use of public institutions including JLOS institutions as well as level of trust of institutions. The 2017 NGPSS collected information on the context through which the JLOS sectors operate; the Uganda Police Force, Courts of Judicature, and Office of the Director of Public Prosecutions (ODPP) are among the listed JLOS institutions.

The Assessment interviewed a variety of JLOS stakeholders involved in designing anti-corruption practices or implementing the same. The list of interviewed stakeholders appears in the appendix. However, it should be noted that the study was designed to rely heavily on published literature of JLOS institutions anti-corruption activities; as such, stakeholder interviews had the primary objective of enlisting missing information. Consequently, not all JLOS institutions were interviewed since the scope of this assignment was mainly limited to the 3 selected JLOS institutions of UPF, Judiciary and ODPP.

The major expected outcomes of the 2012 JLOS-Anti-corruption strategy were: (1) *enhance sector performance to prevent corruption*; (2) *strengthen the sector capacity to detect, investigate and adjudicate corruption*; and (3) *ensure effective mechanisms for punishment of those found culpable*. Consequently, in the matrix for the assessment of the implementation of the JACS, we examine the extent to which various JLOS institutions have instituted measures to meet the above three objectives.

3

CHAPTER THREE KEY FINDINGS



3.0 KEY FINDINGS

This Chapter provides for a concurrent analysis on the progress in implementation of the JACS 2012 based its specific indicators.

3.1 PREVENTION OF CORRUPTION

3.1.1 Reduction in corruption complaints against JLOS staff

One of the expected outcomes from enhancing the sector’s capacity to prevent corruption was a reduction in complaints and cases against JLOS officials. Table 1 shows the trends in number of complaints registered for selected JLOS institutions (for institutions with data reported in the JLOS annual reports as well as those where specific corruption case statistics were availed). It is indicated that with the exception of the Law Council, none of the other JLOS institutions have registered a consistent decline in number of cases reported.¹¹ For example, the public complaints to JSC reduced from 187 in 2013/14 to 137 in 2014/15 before rising to 427 in 2015/16 and 550 by 2017/18. Based on the information in the table, there is no evidence to indicate that complaints have reduced. However, the results in the table should not necessarily be interpreted to indicate a general increase in corruption complaints but may indicate growth in population using JLOS services—which can increase the overall number of complaints even when proportional corruption activities are reducing.

Table 1: Number of public complaints registered by selected JLOS Institutions

Table 1: Number of public complaints registered by selected JLOS Institutions	2013/14	2014/15	2015/16	2016/17	2017/18
Judicial Service Commission	187	137	427	157	550
Professional Standards Unit (UPS)				159	179
UHRC (JLOS)	523	652	382	624	350
Law Council	60	191	160	114	73

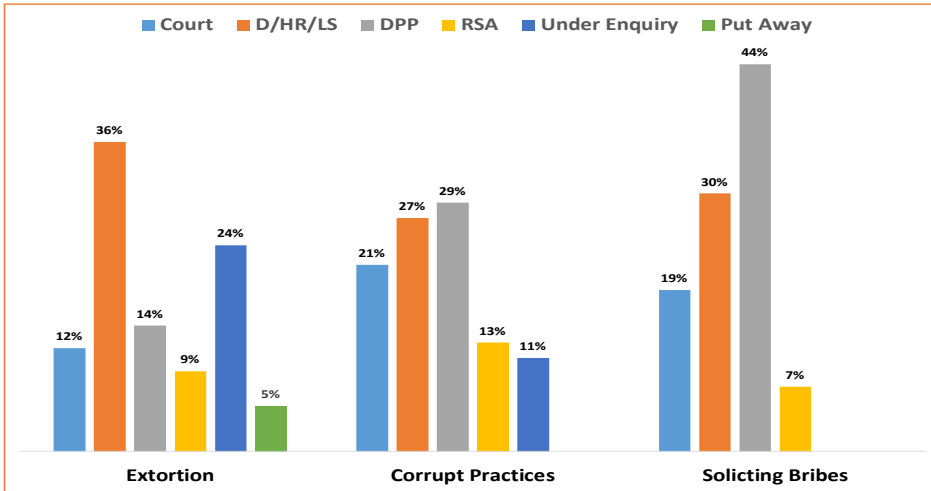
Source: JLOS Annual Reports 2013/14-2017/18 and JLOS BFP 2018/19-2020 and PSU case statistics

It is also important to understand how the various corruption cases are handled. Unfortunately, most JLOS institutions do not report how corruption cases are addressed or provide status of cases at the end of the year.¹² Nonetheless, Figure 1 provides a snapshot on the status of reported corruption cases handled by PSU for police officers during the calendar year 2017—based on nature of corruption case. At the close of the year, majority of cases (35%) were still with the ODPP/Resident State Attorneys (RSA) followed by the police headquarters—especially through the Directorate of Human Rights and Legal Services (31%). Overall, the chart indicates that most reported cases are not resolved within the year.

11 Complaints made at the Law Council should be interpreted in the context that not all relate to corruption; some of complaints relate to clients dissatisfaction with the services provided by the lawyers’ e.g. case taking too long in court, lawyers showing no consideration to clients etc.

12 The Judicial Service Commission is among the institutions that indicate in its annual report the number of: (i) cases registered; (ii) disciplinary committee meetings held, (iii) cases concluded; (iv) judicial officers dismissed; (v) judicial officers retired in public interest; and (vi) judicial officers severely reprimanded.

Figure 1: Status of the 2017 Corruption Cases Reported to the PSU



Source: Professional Standards Unit Case Statistics for 2017

3.2 REDUCTION IN AUDIT QUERIES AGAINST JLOS STAFF

As part of the outputs targeting “Enhanced efficient and effective institutional integrity and performance systems,” the number of audit queries against JLOS staff had to reduce. Table 2 shows the number of listed audit queries in the Office of Auditor General (OAG) annual reports and it indicated that the number of audit queries has fluctuated greatly with no clear trend. For instance, the listed queries for the Judiciary and UPF reduced after 2013/14 but substantially increased after 2016/17. Nonetheless, despite the variation in number of queries listed, the opinion of the OAG regarding JLOS institutions has greatly improved. For example, in FY 2012/13, at least 7 JLOS institutions had a qualified opinion (including one that received a disclaimer); the numbers reduced to 6 in FY 2013/14 and thereafter to three in FY 2014/15. As earlier mentioned, by FY 2017/18, only one JLOS institution that is the Judiciary received an adverse opinion and this was due to among others un-authorized procurements, diversion of plea-bargaining funds, increase in case backlog, and irregular expenditures on facilitation allowance for staff).¹³ Apart from the Judiciary, the Directorate of Citizenship & Immigration Control (DCIC) had a qualified opinion in FY 2017/18.¹⁴

13 According to the OAG, The Auditor shall express an adverse opinion when the Auditor, having obtained sufficient appropriate audit evidence, concludes that misstatements, individually or in the aggregate, are both material and pervasive to the financial statements.

14 According to the OAG, an Auditor expresses a qualified opinion when: (a) The Auditor, having obtained sufficient appropriate audit evidence, concludes that misstatements, individually or in aggregate, are material, but not pervasive, to the financial statements; or (b) The Auditor is unable to obtain sufficient appropriate audit evidence on which to base the opinion, but the Auditor concludes that the possible effects on the financial statements of undetected misstatements, if any, could be material but not pervasive.

Table 2: Number of listed audit queries for JLOS institutions in the annual OAG Reports

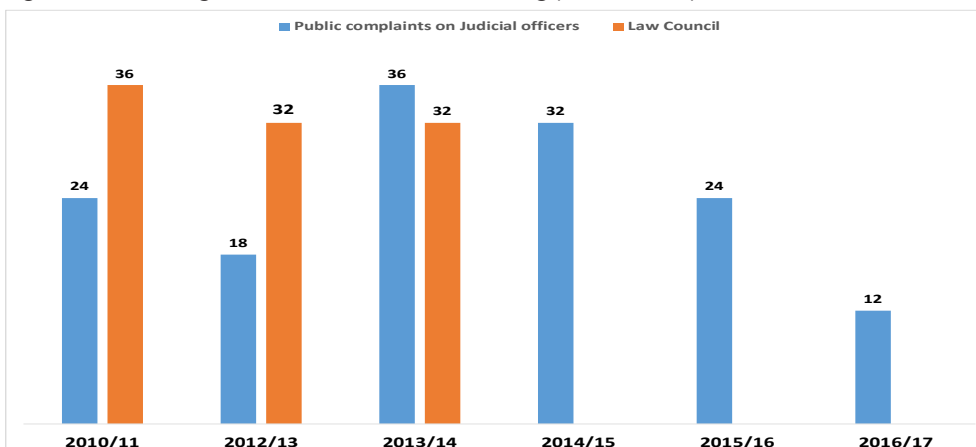
JLOS Institution	Financial Year (FY)					
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Judiciary	11	9	3	5	7	16
Judicial Service Commission	6	1	4	1	2	4
Uganda Police Force	9	19	6	8	10	10
Directorate of Public Prosecutions	8	4	2	2	3	6
Uganda Prison Service	12	7	7	3	10	11
Uganda Human Rights Commission	2	1	1	4	4	9
Uganda Law Reform Commission	5	1	0	1	3	3
Ministry of Justice and Constitutional Affairs	4	1	9	4	4	8
Ministry of Gender Labour and Social Development	4	9	6	3	6	4
Directorate of Citizenship and Immigration Control	19	14	5	3	12	8
Ministry of Internal Affairs	9	6	5	11	6	5
Law Development Centre	3	2	2	3	5	2
Uganda Registration Service Bureau	5	1	0	3	7	8
Ministry of Local Government	15	11	9	10	4	9
Directorate of Government Analytical Laboratory (DGAL)		4	7	5	4	6
Amnesty Commission		0	0	2	4	3
Uganda Law Society	1	1	1	0	0	0

Source: Office of the Auditor General Reports for FY 2013, 2014, 2015, 2016, 2017 and 2018

3.3 REDUCTION RATE IN CASE HANDLING TIME ON A YEAR-ON-YEAR BASIS

The JACS expected to register a reduction in case handling time. Figure 2 shows that for some institutions, the average time initially increased at the start of the implementation of JACS—rising from 2 years in 2012/13 to 3 years by 2013/14 before consistently reducing to a duration of only 1 year by 2016/17 (against a set target of 6 months). Such long durations in handling complaints can disenfranchise the public and lead to increased perception of syndicated corruption among JLOS institutions.

Figure 2: Average time in months for handling public complaints



Source: JLOS Annual Report 2016/17

3.4 INCREASED USE OF JLOS SERVICES

One of the perverse outcomes of corruption activities is that citizens—especially the indigent who may not afford to pay bribes minimize use of public services unless it is absolutely necessary. Consequently, implementation of the JACS was expected to lead to increased use of JLOS services. In order to examine changes in the use of JLOS services, the Assessment investigated both the reporting of cases as well as the average caseloads for JLOS staff. Table 3 shows that during the implementation of the JACS, the number of newly registered cases at the UPF and ODPP has remained the same i.e. at about 250,000 for UPF and 130,000 for ODPP. On the other hand, the table shows caseloads have varied depending on the type of JLOS official. Indeed, it only the caseloads for State Attorneys that have registered a consistent decline—from 850 cases per Attorney in FY 2013/14 to 245 cases by FY 2016/17. The caseloads for Magistrates and High Court judges fluctuated whereas those for CIID officers remained the same as reflected in the table below. The above statistics have implications for clearing the case back log and hence public perception of corruption in JLOS institutions—especially regarding the perceived induced delays as a potential means of extorting money from the public.

Table 3: Trends in Use of selected JLOS services and average caseloads, 2010/11-2016/17

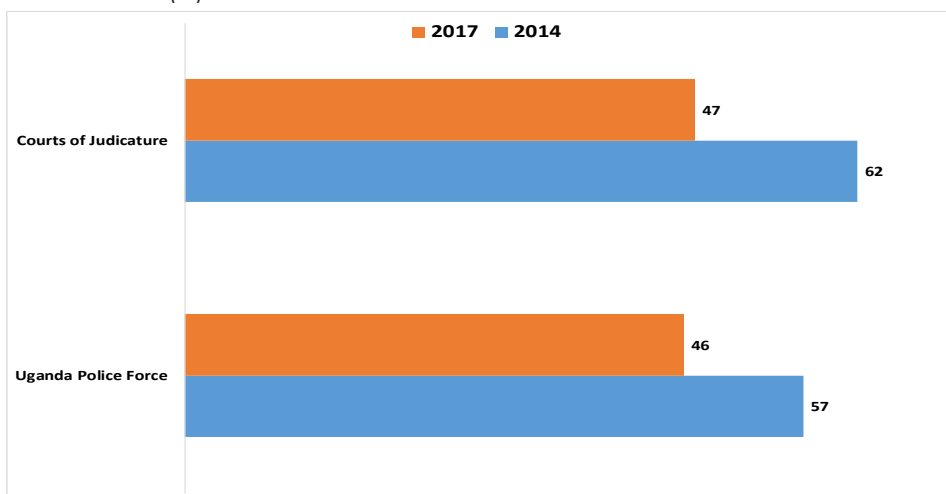
	2010/11	2012/13	2014/15	2015/16	2016/17
	Registered Cases				
Number of reports and complaints made to police	268,811	251,409	258,771	244,012	252,065
ODPP Newly Registered Cases		133,837	139,251	130,472	
	Average case loads				
Average case load per magistrate	343	353	325	274	395
Average case load per C/Magistrate	3,600	3,600	3,400	1,154	2,756
Average case load per Judge of the High court	1,200	1,200	1,100	1,391	897
Average case load per CID officer	20	20	19	23	22
Average case load per DPP state attorney	850	850	740	323	245

Source: JLOS Annual Report 2016-2017 for case loads; Annual Police Crime Reports 2011, 2013 and 2017

3.5 PUBLIC CONFIDENCE IN JLOS INSTITUTIONS

There is evidence to show that trust in some JLOS institutions as well as actual use of services is on the decline and this may partly be linked to perceived corruption in those institutions. The 2017 National Governance and Peace Survey shows that overall trust in selected JLOS institutions has gone down compared to 2014. Figure 3 shows that trust in the UPF declined from 57% in 2014 to 46% by 2017. On the other hand, trust in the Courts of Judicature declined from 62% in 2014 to 47% by 2017. Furthermore, the number of persons who do not have trust in JLOS institutions such as the UPF was at 19% while for the Courts of Judicature was at 11% in 2017. The decline in the level of trust happened against a backdrop of reduction in the use of specified JLOS institutions. In particular, the proportion of respondents who used courts declined by half—from 11 to 5% between 2014 and 2017 while that using the UPF reduced from 28% in 2014 to 20% by 2017 (UBOS, 2018).

Figure 3: Trends in level of trust for Courts of Judicature and Uganda Police, 2014-2017 (%)



Source: UBOS (2018)

3.6 CODES OF CONDUCT FOR EACH JLOS INSTITUTION

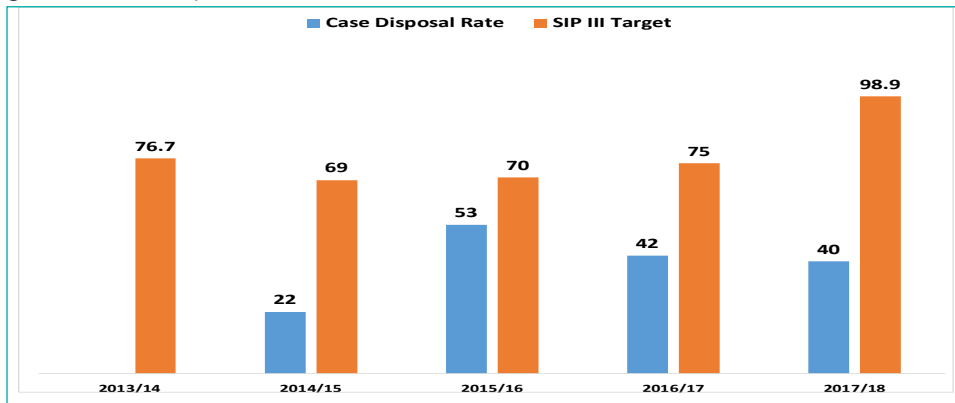
An expectation of the JACS targeting “*Enhanced efficient and effective institutional integrity and performance systems*” required that codes of conduct for each JLOS institution be developed. Implementation of this requirement has varied given that prior to the commencement of the JACS, some JLOS institutions had institutional codes of conduct. Notable among these are the Judiciary and UPF. For example, the Judicial Code of Conduct was established in 2005 and this is enforced by the Judicial Integrity Committee and peer committees. Similarly, the code of conduct for the UPF is part of both Police Standing Orders and the Public Service Standing Orders and it provides for dismissal of police officers and establishment of the Police disciplinary court. Other institutions with codes pre-dating JACS include the JSC through which the Judicial Service Commission Regulations (2005) reveals the judicial officers disciplinary process. In 2014, the ODPP introduced the Prosecution Performance Standards and Guidelines and these guidelines among other issues make it mandatory for prosecutors to attend the District Chain-linked Committee (DCC) meetings to air out any issues that may affect the successful prosecution of cases. The Uganda Prison Services revised the institution’s standing orders in 2017.

3.7 DETECTION OF CORRUPT PRACTICES

3.7.1 Case handling and disposal rate

One of the output indicators for strengthening the JLOS sector capacity to detect, investigate and adjudicate corruption was to increase on the rate of handling and disposal of corruption cases—a measure of the clearance rate for judicial institutions. Figure 4 shows the case disposal rates for the Anti-Corruption Division (ACD) of the High Court and it is indicated that the achieved case disposal rates for most of the years were below the JACS/SIP III targets. The low disposal rates in the Judiciary could partially be attributed to shortage of staff and inadequate funding to necessitate effective adjudication of cases.

Figure 4: Case Disposal Rate at ACD



Sources: Mid-term evaluation of SIP III; JLOS Annual Reports 2016/17 and 2017/18.

3.8 MILESTONES, CHALLENGES AND GAPS IN IMPLEMENTATION OF ANTI-CORRUPTION STRATEGY

This section outlines the anti-corruption interventions implemented by selected JLOS institutions and identifies the outstanding gaps. The institutions considered include the Judiciary, UPF, ODPP, JSC and the JLOS secretariat. The section only identifies the major interventions; the details of specific activities implemented by different institutions appear in the matrix in the appendix.

3.8.1 Milestones in the Judiciary

The Judiciary was one of the first institutions to develop a customized ACS titled Judiciary Anti-Corruption Plan of Action. With the support of DANIDA, the Judiciary produced the plan in FY 2012/13. One of the hallmarks of the plan was the creation of the Inspectorate of Courts function. Furthermore, the Chief Justice upgraded the functions of the Inspectorate by appointing a Chief Inspector of Court at the rank of a Supreme Court Judge.

Some of the interventions implemented by the Judiciary relate to improved structures, systems and facilities for efficient justice delivery. For example, Judiciary is using the Court Case Administration System (CCAS) but as part of its medium-term ICT strategy it is in advanced stages of acquiring an Electronic Court Case Management and Information System (ECCMIS). Piloting of ECCMIS is expected to commence in August 2019 and it is anticipated that the system will eliminate opportunistic corruption and bar Court Clerks from interacting and accessing Court files.

Furthermore, the Judiciary made several changes relating to handling Security Deposits, Bail, and Non-Tax Revenues such as fines in order to address fraud and potential misappropriation of funds. For example, depositing court fees in commercial banks was abolished in July 2017 and replaced with the URA system. During the launch of the New Law Year in February 2019, an electronic system for payment of Court fees was launched. Hence forth, only assessments are performed at the Courts but payments to URA are via a mobile phone and subsequently the transaction ID resulting from the payment is placed on the Court file. The platform is based at sale points of specific Courts.

It important to note that not all corrupt crimes committed within the precincts of JLOS institutions is by staff. Some of the corrupt activities are committed by persons masquerading as staff. Setting up customer care desks, toll-free lines, electronic billboards and use of proper identification is being used to deal with possible impersonation of JLOS staff. Some Courts of law have set up customer care desks to eliminate intermediaries and impersonators; ensured that all Court staff wear name tags (see Box 1). Nonetheless, based on LASPNET Corruption Monitor reports, a large number of Courts have no customer care desks. Such incidences are more acute in areas where court premises are rented (40% of Courts are rented). However, the proposed fully-fledged Customer Care Centre by the Judiciary will provide accurate information about Judiciary/Court service for all Court users regardless of location using the One-Stop-Shop approach.

Box 1: Good practices in the Judiciary

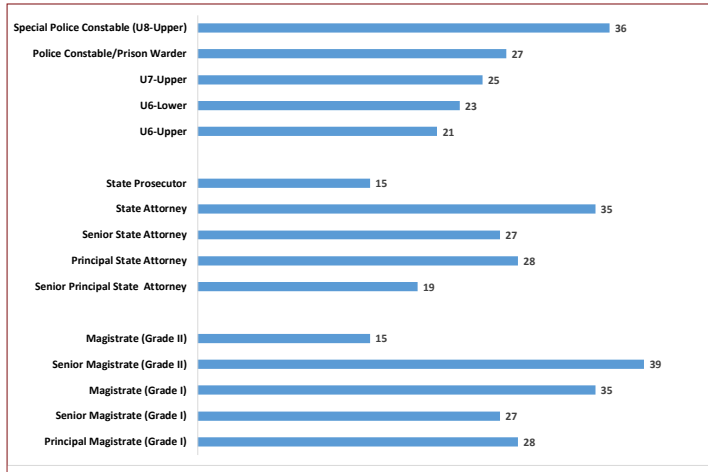
- There exists customer care desks in Arua Chief Magistrate's court, Masaka High Court and Kayunga Magistrates Court which eliminates intermediaries and impersonators who tend to defraud clients.
- The Chief Magistrate Court in Ntungamo was commended for having organized registries which has made easy location of files hence minimizing loss of court files.
- Notice boards with clearly displayed cause lists and other notices such as court filing fees addressed to lawyers and the public are in place. As a result, this has greatly improved communication and information sharing to the court users. This practice is visible in Ntungamo Magistrates Court, Chief Magistrates Court Nakawa and City Hall court Kampala.
- In Ntungamo Chief Magistrates Court, all court staff have picked the practice of wearing name tags to identify themselves from impersonators who often defraud the litigants.

Source: LASPNET's Corruption Monitoring Report to the Inspectorate of Courts unit-July-October 2018

As part of the activities to enhance the institutional capacity to prevent corruption, the Judiciary Anti-Corruption Action Plan proposed to **"Review, and implement salary structure across all levels of the Judiciary and JLOS staff"**. A number of previous reports had mentioned poor pay as one of the reasons for perseverance of corruption with JLOS institutions.¹⁵ Consequently, increased staff remuneration is held as one of the ways of supporting staff to avoid corrupt activities. It is worth noting that the salaries for majority of Judiciary staff remained stagnant since FY 2014/15. In FY 2018/19, some of the salaries of Judiciary as well as JLOS staff were enhanced—especially lower ranked police officers as well as most legal professionals employed in the judiciary, ODPP and MoJCA. Figure 5 show the extent of salary enhancement for the lowest cadre of staff in the Judiciary. There was variation in salary enhancement within the ODPP and Judiciary—ranging from 15% for lowest paid cadres in these institutions i.e. state prosecutors and Grade II magistrates to 35-39% for State Attorneys and Grade I magistrates. Overall, although part of the JACS objective was achieved, harmonization is yet to be attained and some salaries—especially for members of the high bench remained the same.

15 LASPNET (2017) Corruption Monitoring Report; 2015 National Service Delivery Survey

Figure 5: Changes in salaries for the lowest paid JLOS staff, 2017/18-2018/19 (%)



Source: Ministry of Public Service (2018)

The Ministry of Public Service proposed a new salary enhancement in March 2019 where some Judicial Officers—notably Chief Magistrates and Registrars would receive a modest increase in salary starting FY 2019/2020.

Furthermore, there were unintended consequences from July 2018 with respect to Police. By increasing the salary of a Sergeant by 21% and leaving that of an Assistant Inspector of Police (AIP) the same, the former is now worse off. Prior to the increase the two positions had a 5-percentage point difference. The new basic salary for a Sergeant is UGX 556,959 while that of AIP—which is a higher rank—has remained at UGX 479,909. There is need to harmonize the salary structures such that it does not create discontent among the police forces.¹⁶

In addition, although the salaries were enhanced, some of the demands from JLOS labour unions were not met. For instance, in January 2019, Uganda Association of Public Prosecutors sued the Minister of Justice and Constitutional Affairs and the Secretary to Treasury, Ministry of Finance Planning and Economic Development, regarding the failure to implement tax waivers on prosecutors’ salaries, and increase the salaries of the prosecutors to a level equivalent to salaries of employees in Uganda Registration Services Bureau (URSB). The expected salary enhancement for prosecutors was a doubling of salaries (i.e. 100 percent increment) and not the 15-35% offered in July 2018.

3.8.1.1 District Chain-Linked Committees

According to LASPNET Corruption Monitors reports, most corrupt practices witnessed among JLOS institutions are syndicates i.e. involving staff from multiple institutions. As part of the activities envisaged to detect corruption, the JACS called for the strengthening and coordination of inspectorate functions within and among sector institutions and integration of their services at a sectoral level as well as conduct of regular joint inspections and monitoring. Issues of corruption such as unnecessary adjournments which discourage witnesses are discussed at such meetings. Beyond the DCC, there are also regular Regional Chain-Linked Committee (RCC) meetings chaired by a resident judge. Other institutions take efforts to

16 As at the beginning of FY 2017/18, there were 2420 police officers at the rank of AIP and 3,709 officers at the rank of sergeant. Enhancing the salaries of AIP in a similar manner i.e. by UGX 100,000 would have cost the public service an additional UGX 2.9 billion per year for the 2,420 officers.

reach out to other JLOS service providers as part of their station inspections. For example, during quarterly inspections by ODPP, relevant stakeholders that work closely with the ODPP are interviewed.¹⁷

3.8.1.2 Gaps in Judiciary anti-corruption activities

The JACS anticipated to restructure and fill existing vacancies. It is worth noting that the large staff gaps is partially the reason behind the huge case backlog which stood at 155, 400 cases at all levels of Court (Case Backlog Reduction Committee Report 2017). It is reasonable for the public to perceive corruption as the reason for the case backlog and not necessarily the lack of required staff. Indeed, some of the reasons for the listed audit queries against the Judiciary relate to failure to fill established positions. The recruitment of most Judicial officials is dependent on the available resource envelop—an issue outside the control of the Judiciary. During the 2019 Annual Judges Conference, the Chief Justice indicated that due to budgetary constraints, the Judiciary was unable to fill the new structure approved by Parliament for High Court Judges. Furthermore, the Judiciary depends on sister institutions such as JSC and Public Service to fill any existing vacancies. The fact that the JSC is constrained to fill available vacancies affects the deployment of Judicial Officials.

3.8.1.3 Naming and shaming corrupt JLOS officials

One of the anticipated measures outlined in the JACS for strengthened structures, systems and processes for detection of corruption was to “**Develop a system for naming and shaming corrupt JLOS officials.**” This particular proposal has not taken off for a variety of reasons. First, is the fact that not all corruption related convictions even at the High Court or Anti-Corruption Court are final; the possibility of appeals to convictions makes the process of naming and shaming premature. Secondly, administrative sanctions undertaken against corrupt officials are not always communicated. For example, for corruption cases handled at the High court, there is no system of extracting JLOS specific officers because the case is normally handled in the officer’s individual capacity. Finally, some institutions do not want to release this type of information for fear of being perceived negatively with respect to corruption within their ranks. In particular, there is fear that it can further fuel corruption especially if it is accompanied by revealing the amount of funds involved.¹⁸ In addition, some JLOS institutions are of the view that the more media stories you have on corruption—notwithstanding the actual experience of corruption— it keeps collaborating and confirming such perceptions and as such considered counterproductive. Even with the still-birth of this particular proposal, not naming and shaming may lead to loss of potential gains from strengthening citizens’ confidence to report corruption.

3.8.1.4 Regulatory challenges of enforcing anti-corruption policies

The overall implementation of the JACS has in some instances faced regulatory hurdles. For example, some anti-corruption institutions within the Judiciary such as the Inspectorate of Courts have no legal framework guiding their activities. Indeed, one of the reasons highlighted for the slow pace of handling corruption complaints in the Judiciary is the lack of independence regarding investigating and punishing officials accused of corruption. The Chief Justice as the Head of the Judiciary currently has limited powers to sanction errant offi-

17 These are institutions affected by ODPP services and those the ODPP affects e.g. Judiciary, Police, and Prison, Political leaders e.g. RDC and Probation and Welfare Officers.

18 For example, a popular anti-corruption newsletter—the Black Monday—which revealed the colossal amount of funds lost through corruption at the central government level is perceived to have spurred an increase in corruption at the local government level.

cers—these powers are constitutionally vested with the Judicial Service Commission (JSC).¹⁹ Furthermore, the Chief Justice has no control on the recruitment of judicial staff.²⁰ Attempts have been made to change the status quo through the Judiciary Administration Bill, 2018. This bill is before parliament and achieved its first reading in May 2018—after about four years since it was first proposed by the Judiciary.

Furthermore, the Legal and Parliamentary Affairs Committee handling this bill has pointed out that some of the requested changes that would result in the judiciary independence are unconstitutional in addition to potential conflicts of interest. For example, with respect to the Inspectorate of Courts, the committee notes and recommends the following as indicated in Box 2.

Box 2: Challenges with the Judiciary Administration Bill, 2018

“Clause 8 of the Bill establishes the Inspector of Courts in the Judiciary. The Inspectorate of Courts is to be headed by a Chief Inspector designated by the Chief Justice from among members of the Justices of the Supreme Court. Clause 9 and 11 of the Bill deals with the powers and functions of the Inspectorate which include: The appointment of Chief Inspector of Courts does not guarantee independence and tenure of service since the person is appointed by a person over whom he or she may exercise jurisdiction over and investigate. Therefore, there is need to ensure that the Chief Inspector of Courts is appointed through an independent process. With respect to Clause 8, the Chief Inspector of Courts should be appointed by JSC and determine his/her terms of service. For Independence, the Chief Inspector of Courts should not be a serving Judicial Officer. For clause 9, the functions of the Inspectorate of Courts should be limited to the powers of the justice and not exercising disciplinary control over Judicial Officers which is the preserve of the Judicial Service Commission”.¹

Source: Parliament of Uganda (2018) Report of the Sectoral Committee of the Legal and Parliamentary Affairs on the Judiciary Administration Bill, 2018.

Overall, the delay in passing the Judiciary Administration Bill, 2018 will continue to affect the implementation of JACS. In addition to absence of the Judiciary Administration Bill, there is no legal framework for witness protection.

3.8.1.5 Quiet corruption

One form of corruption that appears to have received limited attention in both the JACS as well as customized institutional strategies is “*quiet corruption*.” This form of corruption refers to acts such as the failure of JLOS staff to deliver goods and services to which members of the public are entitled because these service providers are absent without cause or otherwise unavailable. Although, it does not necessarily involve monetary exchange (World Bank, 2010)²¹, for some JLOS staff, some of the acts have been used to force the public to issue bribes. The 2018 LASPNET corruption institutional reports list a number of instances where both the Magistrates and State Attorneys are perennially out of office. Specifically, it is indicated that: (i) some offices operate only on specific days of the week—notably Tuesday to Thursday; (ii) ODPP stations closed most of the time and only opened to attend to bail applications; (iii) outright closure of offices which makes them inaccessible to litigants;

19 On the other hand, the JSC has no jurisdiction over non-judicial officers working in the judiciary. However, there are various reports indicating the involvement of non-judicial officers e.g. court clerks in perpetuating corruption within the judiciary.

20 Other institutions such as the Uganda Law Society (ULS) have petitioned parliament to change the law governing the JSC to enable the ULS participating in the vetting process for judicial officials and as such help identify potential corrupt officials before recruitment.

21 World Bank (2010) ‘Silent and Lethal, How quiet corruption undermines Africa’s development efforts’, *Africa Development Indicators 2010*.

(iv) Magistrates reporting to work at 12:00pm for cases fixed to be heard at 09:00am; and irregular presence of court officials i.e. starting to work at 11:00am and departing by 3:00pm. Without addressing quiet corruption as well, the JACS may not be able to solve the issue of the low confidence in some JLOS institutions. Indeed, during the Annual Judge’s conference in 2017, the President of the Uganda Law Society noted in Box 3 that

Box 3: Confidence in JLOS institutions

“It is quite common to schedule cases at 9:00am and the judicial officer reports to work at 11:00am. Other stakeholders are left to wait at the court premises without any idea of what time the judicial officer will report and attend to matters scheduled for 9:00am. Some upcountry courts operate between Tuesday and Thursday.” President of ULS, 2017.

Source: President of ULS, 2017.

3.8.2 OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

3.8.2.1 Implemented Activities

The JACS called for development of both an integrated JLOS-wide Information Management System (JLOS INFOMIS) as a step towards minimizing or eliminating human contact with JLOS files—which facilitates opportunistic corruption. Such a system would have enabled the requisite JLOS institutions to know for example when a case is lodged and would address the information asymmetry within the JLOS institution and create a proper trail of accountability. The JLOS-wide automation is yet to take off. One of the reasons for the failure to have a JLOS-wide system is the cost—a scoping study estimated the required cost at UGX 50 billion. However, there are several standalone institutional systems in place with some implemented in phases.²² The ODPP established the PROCAMIS in 2014; however, the system is not fully operational—especially at upcountry stations.

Apart from cost, other impediments to adoption of automated systems are the requirements for connectivity—especially to upcountry stations. One of the reasons why ODPP has only 12% of its 119 stations connected to PROCAMIS is the unavailability of connection in some upcountry stations. This connection is supposed to be provided by the National Information Technology Authority (NITA). As such without the extension of National backbone infrastructure by NITA as well as extension of the national power grid to all district headquarters, successful roll out and operation of PROCAMIS cannot be achieved.

In order to strengthen supervisions and inspections, some institutions have made use of a different cadre of personnel. The UPF has deployed Regional Human Rights Officers—lawyers from the Directorate of Human Rights and Legal Services—stationed at 14 of the 27 regions to ensure that human rights are observed i.e. addressing issues of over detention and harassments used as extortion schemes against the suspects. The target is to ensure that each region has a Human rights Officer. On the other hand, the ODPP has utilized Regional ODPP offices—currently headed by a Principal State Attorney who oversees a number of stations—to supervise State Attorneys.²³

22 None of the available systems e.g. CRMS and SPS for the Uganda Police Force, DCL information system for the Ministry of Justice and Constitutional Affairs, and PROCAMIS for ODPP are fully operational i.e. covering all institutional offices and stations.

23 Regional ODPP offices also receive complaints at the regional level in respect to staff. If the complaints cannot be handled at the regional level, there are referred to the headquarters—especially to the head of department.

3.8.2.2 Identified gaps in implementation in the ODPP

Funding challenges have affected the ODPP including the institution's anti-corruption activities. Due to financial constraints, the planned anti-corruption activities are not effectively executed. For example, the necessary supervision and inspection of staff may not be undertaken leaving errant staff on a free reign. In addition, for FY 2018/19, the ODPP requested UGX 880 million for strengthening inspection and quality assurance but only UGX 120 million was provided (ODPP, 2018).²⁴ Furthermore of the UGX 1.5 billion requested for victims and witness protection, only UGX 40 million was offered. On the other hand, critical activities are performed at a very slow pace due to inadequate budget. For example, the ODPP introduced PROCAMIS in 2014 but the failure to roll out to all upcountry offices has been partly blamed on inadequate funding.²⁵

Related to the above, inadequate funding has also compounded recruitment and deployment of the required prosecutors. For example, in the ODPP due to severe staff shortage, the same officers who undertake routine inspections also investigate complaints and this is inappropriate with respect of separation of duties as well as potential influence peddling by affected officials (ODPP, 2017).²⁶

3.8.3 UGANDA POLICE FORCE

3.8.3.1 Implemented Activities

The UPF was one of the first institutions to develop a customized ACS. As part of its anti-corruption activities, the UPF has adopted electronic billboards not only to continuously publicize the toll free lines but also publicize other anti-corruption messages e.g. "**Police Bond is Free**", "**In case of anything, you report to this number: the OC station's number is this; the DPC's number is this.**"²⁷ On the other hand, the UPF-ACS calls for enforcement of names on all police uniforms. For lower rank officers, the uniform has the names as well as the unique force number.²⁸ In case of any corruption related incident, the victim or any other person is able to read your name off the uniform. Furthermore, the police strategy requires that all non-uniformed police staff to wear name tags while on duty—the only exception is for intelligence officers.

Within the UPF one of the areas highlighted as pervasive for corrupt activities regards the issuance of the police bond by CIID. Although the police bond is free, a significant proportion of the public misinterpret the police bond and link it closely with the bail—which may or may not be paid for. Due to such ignorance, requests for payments before police bonds is a common occurrence. The UPF-ACS proposes to have a new police form 18 with a watermark in the background indicating that both form and police bond are free. In addition, it must be a senior officer e.g. OC CIID, DPC, or OC-Station to issue a Police Bond and not the Investigating Officer. Furthermore, before the bond is signed, the Senior Officer should interact with both the suspect, relatives of the suspect and the surety for the accused. The interaction would ensure to confirm that no money exchanged hands prior to release on bond. Finally, through

24 ODPP (2018a) Q1 Report for the 2018/19 Budget Framework Paper.

25 For FY 2018/19, ODPP requested UGX 4.24 billion for rolling out PROCAMIS and only UGX 1.4 billion (33.3% of requested funds) was provided (ODPP, MPS, 2018b). Consequently, the projections that by FY 2021/22 at least only 80% of the ODPP offices will be linked to the automated management information system are unlikely to be met.

26 ODPP (2017) Fourth Strategic Plan SP IV: FY 2017/18-FY2019/2020.

27 Electronic billboards e.g. available at about 14 Police Stations within the Kampala Metropolitan Area (KMA)

28 Given the uniqueness of force number (generated based on the year/intake you joined the force), it is easy to identify and masquerades.

the daily suspects parade, it's now advised that the officers conducting these parades emphasize to the suspects that police bond is free.

Embracing Technology: The UPF has embraced technology in order to address corruption. Firstly, the force has implemented the Suspects Profiling System to address the over-stay of suspects in Police cells. The system flags off any accused persons who have spent more than 48 hours on remand and the management can task the responsible officer to provide reasons for the over-stay.²⁹ Secondly, there is the Criminal Records Management system that tracks files from entry up to the time when files are forwarded to Courts of Law. Thirdly, the force is also examining ways of receiving near-instant feedback from clients as well as reporting corruption. In particular, the UPF is piloting UPF MOBI APP and SUMA APP—these provide an opportunity to clients to report on the quality of services—including whether any money was paid—as clients depart from police stations. The SUMA APP is presently piloted in four police stations within Kampala.

Addressing influence peddling: Influence peddling is one of the major forms of corrupt practices highlighted by the UPF. Specifically, through bribes, police officers try to influence the recruitment and placement of officers in preferred police departments and locations—notably traffic, CIID, Parliamentary Police, KCCA, IGG, URA as well serving as VIPPU that guard foreign missions. In addition to, tours of duty in foreign countries e.g. Somalia and South Sudan. In response to pervasive influence peddling the Inspector General of Police (IGP), Martin Okoth Ochola announced that placement in preferred departments or locations will be rotational—an officer should not stay more than 3 years in such departments. For foreign missions, everyone is given a chance for a tour of duty. Furthermore, as part of the UPF-ACS, it is now a requirement that laid down procedures and policies are followed. For example, for human resource issues, there must be a committee that vets issues regarding recruitment, promotion and training. This is to ensure that the people who have applied for promotion have appropriately been vetted e.g. looking at past record, length/period on that rank, capability. Other examples of attempts to promote good practices in Police are illustrated in Box 4.

Box 4: Good practices at Police Stations

- At Kawempe Police Station, it was observed that there has been improvement in the filing system hence limited the number of reported missing files.
- There are secure and organized registries at the police stations namely, Jinja Road Police Station and Nyowa Police Station,
- At Kira Police Station, there was display of information about the services offered, key contacts of key officers in charge of the station are displayed which has improved access to information by the end users.

Source: LASPNET Report to the Professional Standards unit-July-October 2018

During FY 2018/19, the UPF enhanced the salaries of its lowest ranked cadres. All staff under the U6-U8 salary scales were offered a flat increment of UGX 100,000 per month starting July 2018 (see Figure 5). As such the lowest paid i.e. special police constable registered the largest gain increase in salary i.e. 36%. However, the lowest salary paid to police officers remains low in relation to the cost of living. In particular, with less than 50 % of police officers offered accommodation, a salary of UGX 375,000 would be inadequate to meet accommodation and other basic necessities.

29 In some instance, the over-stay is because the accused person cannot pay the money demanded.

The UPF has also recently installed CCTV cameras; although the prime reason for installing the police CCTV was to fight crime, the system is also aiding the fight against corrupt practices e.g. through identifying errant traffic officers on the streets. As result of the availability of CCTVs, the UPF also issued new guidelines regarding the conduct of traffic police officers. Specifically, no traffic officer is now allowed to be seen behind a vehicle stopped.

In addition, the UPF was one of the JLOS institutions that implemented unique and novel ways to reduce corruptions activities. The UPF closed down a notorious torture chamber—Nalufenya as well as disbanded the Special Operations department which had been used as avenues to extort money from the public.³⁰

With respect to deterrents, the UPF-ACS also addressed shortfalls in the previous scheme of punishing errant officials. Specifically, it provides for a process of reviewing the sentencing guidelines for disciplinary cases. Previous guidelines had very lenient sentences and were at the discretion of the trial committee. For example, the old guidelines prescribed a fixed penalty e.g. fixed fee of a fine not exceeding 50,000. However, due to inflation and other changes in the structure of the economy such fixed fee penalties are worthless. As such, the process will consider the value of the penalties. Proposed revisions include having the penalty as a percentage of the officer's salary e.g. 50% of the salary.

3.8.3.2 Gaps in implementation of JACs in UPF

The UPF faces severe financial constraints which are considered as one of the reasons fueling corrupt practices as staff attempt to find alternative means of delivering public services. As such, requests for fuel or transportation and to photocopy official forms are common. The UPF annually requires UGX 1.2 billion for printing various types of forms (104 different types); however, only UGX 400 million is allocated annually for stationary. Given that the UPF is yet to achieve a significant level of automation, it has to rely on stationery for recording statements and budgeting for stationery is critical. Also, the estimated fuel consumption by the UPF is UGX 76 billion annually; however, UGX 23 billion is provided. Due to this reason, CIID officers receive a monthly fuel ration of UGX 500,000. However, this amount may not be sufficient if the CIID officers require performing a post mortem. Depending on the distance to nearest hospital and the location of the death, the fuel of UGX 500,000 may only be able to cover transportation of the body to the hospital for post mortem and back to crime scene for burial. Such a CIID will be left with no other fuel resources to undertake investigative activities for the rest of the months. Consequently, inadequate funding greatly curtails UPF activities and asking members of the public to subsidize police activities may be misconstrued for corruption.

The wording on the police bond form still presents opportunities for extortion of money from the public. Specifically, why is text tagged to possible payment of any money? For example, if a surety does not produce a suspect on the appointed date, either the surety can be arrested and charged as well. This would be better than tagging money to the Police bond form. Without such a change, funds will be extorted from unsuspecting members of the public as noted in the LASPNET corruption monitoring reports in Box 5.

30 One of the ways through which corruption manifests in the UPF is through payment to officers to torture people with an objective of collecting information. Bribes are normally solicited to reduce to stop torture.

UGANDA POLICE POLICE FORM 18

RELEASE ON BOND

(Section 17 (3) Cr. Pro. Code)

.....

Being charged with offence of

O.B No.and after enquired to appear before the

..... at

Do hereby bind myself to appear at

..... at on the day of 20

And continue to attend until otherwise directed by the Court, further to answer to the said charge and in the case of making default herein I bind myself to forfeit to the Uganda Government the sum of shillings:

.....

.....

Dated this day of 20

Box 5: Money is still collected regarding police bond

- While Police bond is free, it is used for extorting bribes from suspects and their relatives ranging between UGX 100,000 and UGX 500,000/= before it can be granted. e.g. at Jinja Road Police Station, Arua Central Police Station, Masaka Central Police Station, Nabweru Police and Wandegaya Police Station respectively.
- At Jinja Police station there are no visible IEC materials or information on whether Police bond is free thus it is reported that at Jinja Road Police Station, bond is paid for at 100,000 to the Investigating Officer.
- Furthermore, there is sale of police forms in particular bond forms, PF3 and PF8 forms each at a cost of 1000/= at Kawempe and Kasangati Police Stations.

Source: LASPNET Report to the Professional Standards Unit-July-October 2018

3.8.4 SELECTED ISSUES ACROSS JLOS INSTITUTIONS

In this sub section, we highlight some of the salient interventions implemented by other JLOS institutions. The justification for selection was based on the overall implication of the selected interventions on the JACS.

3.8.4.1 Public complaints systems

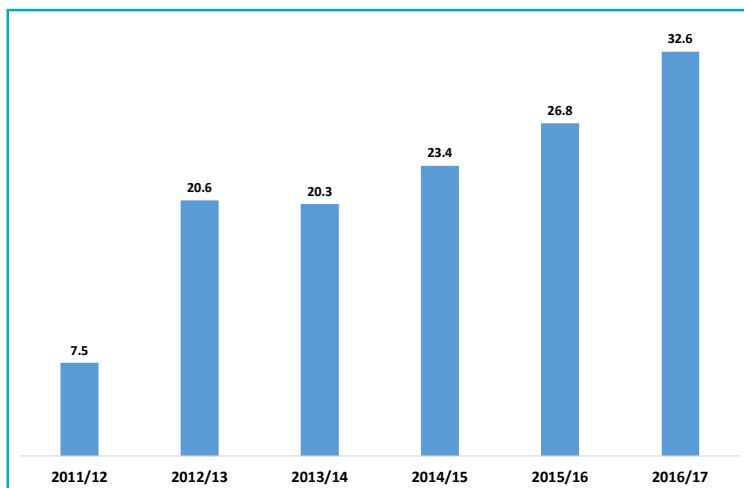
Institutions with constitutional anti-corruption mandates and with established public complaints systems have not been as effective as expected with regard to investigating and adjudicating corruption complaints. A case in point is the JSC whose operations are performed when it is fully constituted. On the other hand, the commissioners are not full-time employees and as such cannot address all complaints received in a timely manner. For the JSC, in Quarter 1 of FY 2018/19, only 5% of the proportion of registered complaints was investigated whereas the target required 80%. Similarly, the case disposal rate (% of investigated

complaints) was 35% against a target of 55%. Also, the institution’s complaints clearance rate (Proportion of complaint) was 14% against a target of 75%. The stated reason for failing to address public complaints received was the need to focus on other aspects of the JSC’s mandate. Specifically, **“Less disciplinary committee meetings were held because the Members were conducting recruitment sessions instead.”** As such, even with the availability of established public complaints, significant manpower is required to address received complaints to meet anti-corruption objectives.

3.8.4.2 Automation of systems at URSB

Implementation of anti-corruption measures can have significant payoffs regarding collecting non-tax revenues. A case in point is the Uganda Registration Services Bureau—an institution with significant interaction with the public—especially regarding registration of businesses. Through targeting complete automation of all services and hence reducing opportunities for corruption, the URSB has significantly increased the amount of non-tax revenue collected. Figure 6 shows that non-tax revenues increased from UGX 7.5 billion in 2011/12 to UGX 20.6 billion by 2012/13; overtime, the amount collected has increased to UGX 32.5 billion by 2016/17. As such, other JLOS institutions such as Courts of Law and NIRA could register similar improvements if most court processes are automated.

Figure 6: Amount of Non-Tax Revenue collected by URSB, 2011-2017 (UGX billions)



Source: URSB (2017) Strategic Investment Plan II (2017/18-2019/20).

Apart from the MIS systems, the other automated systems adopted to control corruption are CCTV systems. For example, the URSB installed CCTV in all areas where staff are in contact with the public and these CCTVs are monitored by supervisors. The Ministry of Internal Affairs (MIA) installed CCTVs in areas of its premises characterized by large human contact.

3.8.4.3 JLOS level tribunal

One of the anticipated JACS activity not implemented relates to the set up an impartial tribunal for disciplinary action with representation from all JLOS institutions. This proposed activity appeared difficult without the necessary legal backing. In addition, JLOS institutions foresaw a scenario of possible duplication with existing disciplinary mechanisms. Indeed, in cases where administrative actions have been undertaken and concluded at the institutional level, such a disciplinary matter would be considered closed. Where a matter exceeds the

institutional disciplinary committee's jurisdiction, it is expected that such a matter would be referred to the criminal justice system (i.e. Anti-Corruption Court, CIID Police or IG). Consequently, due to the above reasons, attempts to institute a JLOS-wide tribunal were not pursued any further.

The wealth declaration by Judges and other high-ranking judicial officers is made electronically to the IG. The leadership code (Amendment) Act 2017 under section 4A requires that this wealth declaration be made to the accounting officers who then submit the same to the Inspectorate of Government.

3.8.4.4 Funding for anti-corruption activities

The limited funding and its impact on the JACS are also partly exhibited by the pace of institutional customization of the JACS. By June 2018, only 3 institutions had developed customized strategies. Furthermore, 10 institutions are expected to have developed customized policies by the end of FY 2018/19—partly due to the funding boost offered by the JLOS Secretariat.³¹ Some institutions took some time before developing customized strategies due to the fact they were not less prone to corruption and as such high prioritization was required for institutions perceived to be more affected by corruption such as Judiciary and UPF. To the contrary, for as long as the institution has a valuable under its control and for as long as there is a motivated person who is interested in the valuable, there is a risk of exposure to corruption. Therefore, the institutional ACS is meant to manage the risk.³²

Overall, the determination of budgets is outside the discretion of the JLOS institutions but greatly affects attempts to implement the JACS. Furthermore, also the JACS anticipated joint annual sector wide budgeting, this is yet to be achieved—partly due to varying mandates and institutional structures. Partially due to inadequate funding, JLOS institutions such as UPF lack the adequate capacity to investigate syndicated corrupt practices and have thus resorted to asking for grants from development partners to implement some anti-corruption activities. For example, the UK's Department for International Development (DfID) through the Strengthening *Uganda's Anti-Corruption Regime (SUGAR)* technical facility is financing the design and rollout of the Judiciary's Electronic Case Management System (ECMIS) at a cost of UGX 1.5 billion.³³ Also due to the critical importance of Form 3A—for capturing evidence on sexual gender-based violence—the UNFPA through JLOS finances the cost of printing the Police Form 3A at a tune of UGX 60 million annually.³⁴

31 The following JLOS institutions are supported during FY 2018/19 to develop customized institutional anti-corruption strategies: (1) NIRA, (2) Directorate of Governmental Analytical Laboratory (DGAL), (3) URSB, (4) ODPP, (5) Law Development Centre (LDC), (6) Ministry of Internal Affairs (7) Directorate of Immigration and Citizen Control, (8) Amnesty Commission, (9) Uganda Law Reform Commission (ULRC) and (10) Uganda Prison Service (UPS).

32 For example, the Uganda Prison service does not appear to be ranked highly in corruption perception surveys and as such one could conclude that the institutions has done relatively well in preventing corruption. The institution produce food worth billions on the prison farm. Where is the accountability for money received from the funds.

33 The *SUGAR* project is a 5 year programme launched in 2014 funded by GBP 30 million (UGX 130 billion) grant from DfID. The project address corruption in the public sector through raising the risks for those engaged in corrupt practices and also targets assets confiscation.

34 Requests for funds to photocopy this particular forms is one of the major forms of opportunities corruption mentioned with regard to the UPF.

4

**CHAPTER FOUR
POSSIBLE AREAS OF
INTERVENTIONS FOR
LASPNET AND
OTHER CSOS**



4.0 POSSIBLE AREAS OF INTERVENTIONS FOR LASPNET AND OTHER CSOS

LASPNET sought under this assessment to find out areas of collaboration with JLOS institutions that can be explored in the implementation of the JACS and other anti-corruption related activities. The proposed possible areas are detailed below;

- LASPNET and other CSOs can support the fast-tracking of the amendments of specific anti-corruption laws and policies. The proposed Legal Aid law remains outstanding and as such many members of the public are not fully aware about their rights under the law. Other outstanding bills include the Leadership Code (Amendment) Act 2017 which called for the establishment of a Leadership Code Tribunal to adjudicate any breach of code as referred by the Inspectorate of Government; this tribunal is yet to be set. Consequently, LASPNET can draft a position paper highlighting the failure to establish the required institutions which makes punishment for breach of the code by any JLOS official currently practically impossible.
- LASPNET could also form a coalition to support the amendments of specific anti-corruption strategies. Current corruption legislation is hinged on prosecution. The objective of any anti-corruption activities is to minimize the loss to both public and private resources. Providing an opportunity to affected officials to refund funds without necessarily undergoing prosecution would be worthwhile.
- In addition, LASPNET can support JLOS institutions identify annual specific anti-corruption activities and ensure that they are allocated more funding. This could include supporting or financing annual reviews of JACS implementation as well as annual planning. Also, through advocacy, LASPNET and other CSOs can ensure that each of the 18 JLOS institutions have a designated official/focal person responsible for tracking anti-corruption activities. For institutions without a customized strategy, this official's initial task would be to ensure the development of an institutional strategy. That is set up a mechanism where there is someone responsible for policing the implementation of the strategy i.e. leadership at the top; also require a mid-level official akin to counselor in schools. The enforcement of the customized anti-corruption strategy should be backed with regular monitoring.
- LASPNET could consider scaling up the "Break the Silence on Corruption" campaign and disseminate its anti-corruption IEC materials are widely disseminated in different JLOS service points across the country to enhance awareness of the public on how to report and desist corruption.
- LASPNET with support from other development partners can support the printing and dissemination of the customized JLOS anti-corruption strategies developed by institutions.

5

CHAPTER FIVE
STATUS OF
IMPLEMENTATION
OF 2017
RECOMMENDATIONS



5.0 STATUS OF IMPLEMENTATION OF 2017 RECOMMENDATIONS.

In 2017, LASPNET developed an Annual Progress Report on Corruption Monitoring titled; "The Socio-Economic Causes and Drivers of Corruption in JLOS" which made several recommendations to the different JLOS institutions with regards to fighting corruption. The table below shows the status on implementation of these recommendations and as such the information provided hereunder will enable the different sector institutions to reflect on the progress made so far.

No.	Status Update on the Recommendations of the 2017 Socio-Economic Perspective study on Corruption in JLOS		
	Institution	Recommendation	Status on Recommendation
1.	Judiciary	There is need to adopt a technological approach to management of Court files. The Judiciary needs to develop, adopt and support innovations such as the use of ICT in file management and registry to avoid the human factor as well as corruption in the system. This will also help in expediting the reduction in the case backlog	<p>Judiciary has embarked on the implementation of the Judiciary ICT Strategy 2015/16-2019/2020 which envisages a total transformation from the existing CCAS system to an Electronic Court Case Management and Information System (ECMIS). The procurement process to design and develop the ECMIS started off in November 2018 and it's projected that it will be deployed in all courts within 18 months.</p> <p>The Judiciary was also allocated UGX 6 billion in the FY2018/2019 towards implementation of its ICT Strategy.</p> <p>Further, LASPNET with support from DGF is partnering with the Judiciary to pilot automated court models in Buganda road and Execution Division.</p> <p>In addition to the above efforts, the Judiciary recently launched a virtual court system in Buganda Road Court that enables inmates to know when they will return to Court without appearing physically.</p>
		Exploit innovative awareness mechanisms such as having litigants wait in session which can feature paralegal information sessions or pre-recorded videos and audio, providing institution related information, dos and don'ts, as well as expectations.	<p>The new case management system (ECMIS) will provide for e-filing, digitalized court recording, video conferencing, and digital presentation of evidence libraries to enhance user interface between court staff and the public.</p> <p>The Judiciary has introduced screens in courts such as Buganda road where information can be relayed. In addition, some judicial officers are sharing information before court sessions begin.</p>
		The leadership of the Judiciary should take lead in advocating for improved emoluments and facilitation of the work of judicial officers.	<p>Salaries of the Lower bench i.e. Grade 1 Magistrates were marginally enhanced by a 35% increment. However, salaries for Judges were not increased. As a result, during this year's Annual Judges Conference held on 21st February 2019, the Chief Justice appealed to the President to enhance the salaries of judicial officers to meet the high cost of living, inflation and guarantee secure and decent accommodation commensurate with the responsibilities of judicial officers.</p> <p>The Ministry of Public Service proposed a new salary enhancement in March 2019 where some Judicial Officers—notably Chief Magistrates and Registrars would receive a modest increase in salary starting FY 2019/2020.</p>

		Through the Inspectorate of Courts, establish partnerships with the CSOs to expand outreach regarding how the public can report incidences of corruption and good practices among judicial officers.	LASPNET engaged the Inspectorate of Courts on the utilization of the SAYITAPP which is an application that allows the public to report cases on corruption anonymously ³⁵ . The app was also integrated into the mailing system of the Inspectorate of Courts. The Inspectorate of Courts has been strengthened to investigate complaints of impropriety and corruption in the Judiciary. Culprits are either forwarded to the internal Disciplinary Committee or referred to the Judicial Service Commission for appropriate disciplinary action. With funding from UNDP, the Judiciary has established a Toll-Free Customer Feedback Hotlines (0800-111-900 / 0417-892-900). These are intended to enhance Judiciary's public accountability processes through the consistent provision of accurate information about Judiciary/court services.
2	Judicial Service Commission	The practice by the Judicial Service Commission of transferring implicated judicial officers as a form of punishment while investigations are being conducted should be avoided. Transfers can never be used as a form of punishment since it's the poor that are affected especially if the transferred officers are indeed corrupt, it's merely transferring the vice from one region to another.	No information available.
		Errant judicial officers should be held accountable with punitive measures.	In the FY2017/2018, 27 Disciplinary committee meetings were held, by JSC through which 125 complaints were registered, 323 cases were completed, 90 cases were fully investigated pending consideration of disciplinary committee and 121 complaints are under investigation. Among the complaints which people raised against some Magistrates, Judges and Registrars included corruption, rudeness, and delay to deliver judgement or rulings, failure to provide information, absenteeism, abuse of judicial authority, misplacement of files, signing of incomplete documents as well as failure to communicate in time to various stakeholders in case the judicial officer is away.
		The promotions and/or appraisals of judicial officers should be based on merit and professionalism so that errant officers are not allowed to rise through the ranks to cause further damage. Relatedly, Court Clerks and State Attorneys should frequently be rotated because if they overstay in one place, they become untouchable and ask for money freely. Rotation every 3-5 years should be the norm notwithstanding the fact that some judges don't want to move their clerks—especially those that they are used to.	The Judiciary has developed a computerized Judiciary Performance Enhancement Tool (PET) in order to enhance judicial performance and accountability. The PET is premised on a 360-degree appraisal system where a Judicial Officer will be appraised by a number of stakeholders including: Supervisors, peers, subordinates and the public. Development of this tool has been completed and the same was pre-tested in January 2019.

35 The SAYITAPP is a software application developed by LASPNET with support from the US Embassy and it is used by the public to report corruption with JLOS institutions. The app is linked into the complaint handling mechanisms of different JLOS institutions including Inspectorate of Courts, PSU, ODPP, and JSC among others. On that note, the developer of the app was able to meet with the leadership of the Inspectorate of Courts and took them through the app. And out of their appreciation the app was integrated into the mailing system of the Inspectorate of Courts.

3.	Inspectorate of Government	The IG should investigate and prosecute corrupt practices in JLOS institutions that are responsible for the professional conduct of officers (e.g. Police Standards Unit, Judicial Service Commission, Inspectorate of Courts etc.)	The IGG has been very effective in implementing the Leadership Code and has handled several cases regarding impropriety among JLOS institutions notable among them include: investigation into a complaint raised against High Court judge Elizabeth Kabanda Kibula over failure to remit UGX 630,000 as allowances for her former driver and bodyguard. The money was later recovered by the Judiciary following an investigation and subsequent report orders by the deputy IGG, Ms. Mariam Wangadya.
4.	Office of the Director of Public Prosecutions	Strengthen the ODPP complaints mechanism by popularizing it.	ODPP organized and participated in 5 Anti-corruption open days in Kampala, Kabale, Mukono, Rakai and Bushenyi to show case their services and respond to issues raised by the public towards their operations. Through LASPNET Break the Silence on Corruption campaign there has been continuous popularization of IEC materials (Corruption posters) with the complaint handling mechanism of the ODPP.
		The Errant State Attorneys should be given deterrent sanctions including dismissal.	The ODDP maintains one of the strongest internal ethical codes of conduct which includes sanctions and dismissal of errant State Attorneys.
		The ODPP should advocate for improved emoluments to match those of their counterparts at the bench.	This has not been achieved despite the several calls made by the Uganda Association of Public Prosecutors (UAP) to enhance salaries for State Attorneys. In January 2019, UAP dragged government to court for failure to live by its commitment to waive taxes on prosecutors' salaries, provide professional allowances in the FY2018/2019 and increase the salaries of the prosecutors.
		Should introduce a process of explaining to the complainant's reasons for, non-sanction of files, dismissal or loss of cases to reduce on public wrong perception.	Although not occasionally done, the ODPP has leveraged various platforms including media briefings to explain to the complainant's reasons for non-sanction of files and dismissal of cases. This should however be institutionalized in order to reduce on the public wrong perception towards the ODPP.
5.	Police/ Professional Standards Unit	Popularize the complaint handling mechanism and mainstream a rewarding system for performers and professional Police officers.	The UPF has widely circulated its complaint handling mechanism i.e. Toll-free lines on various platforms including their website and social media (WhatsApp). Through partnering with LASPNET, the Uganda Police Force has been able to share its complaint handling mechanism with the Public especially on radio talk shows.
		PSU should conduct regular trainings on Police Standing Orders which includes the professional ethics and conduct of Police offices in order to reduce on misconduct within the institution of Police.	This has been done regularly through Police trainings especially during induction and refresher courses.
		Increase supervision of junior Police officers by top officials who are more vulnerable to bribes.	This has not been effectively done because incidents of corruption still manifest among Police officers especially of low ranks. This is mainly attributed to the poor facilitation of Police officers coupled with the harsh conditions in which they work.
		Introduce client's awareness sessions at police. This can include fliers, customer care desks, and complaints handling desks within main police posts.	This has been at some Police stations such as Katwe and Kira police stations. Furthermore, the LASPNET IEC materials (poster) on corruption have increased clients' knowledge of where to report any cases of corruption encountered at Police.
		Empower the PSU to pass punitive orders against corrupt and un-professional police officer.	This has not been done since the mandate of disciplining errant Police officers lies under the Police disciplinary courts as stipulated in S50 of the Police Act 1994 Act.

7	Police/ Professional Standards Unit	Popularize the complaint handling mechanism and mainstream a rewarding system for performers and professional Police officers.	The UPF has widely circulated its complaint handling mechanism i.e. Toll-free lines on various platforms including their website and social media (WhatsApp). Through partnering with LASPNET, the Uganda Police Force has been able to share its complaint handling mechanism with the Public especially on radio talk shows.
		The PSU should conduct regular trainings on Police Standing Orders which includes the professional ethics and conduct of Police offices in order to reduce on misconduct within the institution of Police.	This has been done regularly through Police trainings especially during induction and refresher courses.
		Increase supervision of junior Police officers by top officials who are more vulnerable to bribes.	This has not been effectively done because incidents of corruption still manifest among Police officers especially of low ranks. This is mainly attributed to the poor facilitation of Police officers coupled with the harsh conditions in which they work.
		Introduce client's awareness sessions at police. This can include fliers, customer care desks, and complaints handling desks within main police posts.	This has been at some Police stations such as Katwe and Kira police stations. Furthermore, the LASPNET IEC materials (poster) on corruption have increased clients' knowledge of where to report any cases of corruption encountered at Police.
6.	JLOS Secretariat	Support all JLOS institutions to fast track the adoption and implementation of the JLOS Anti-Corruption Strategy.	By close of the financial year, JLOS had set aside funds to support the development, completion, and dissemination of customized anti-corruption frameworks for nine additional institutions including; ODPP, MIA, TAT, LDC, DGAL, URSB, NIRA, ULRC, and UPS. UPF and Judiciary shall be supported to enhance implementation of the frameworks.
		Mobilize more Civil Society Organizations in the anti-corruption fight to join the JLOS Accountability Sub Committee.	The JLOS Accountability Sub Committee has continued to engage and prioritize issues raised by CSOs who form part of its membership. These include: FHRI, LASPNET, LDC-LAC and ACCU among others.
7.	Ministry of Justice and Constitutional Affairs/ JLOS Secretariat	Lobby government to pass the Administration of Justice Bill to ensure full autonomy and financial independence as well as the National Legal Aid Policy to reduce the vulnerability of the poor and marginalized to paying bribes to access justice.	Advocacy for the Administration of the Justice Bill is currently ongoing. The Bill was introduced in Parliament on 29th May 2018. LASPNET together with other members of the Coalition in Support of Judicial Independence (CISJI) who include: FHRI, CEPIL, ACCU and ULS were invited by the Legal Parliamentary Committee on 27th September 2018 to share submissions and views on the Administration of Justice Bill 2018. The Committee advised the Coalition to undertake a comparative research on the countries where the AJB has been passed and implementation in addition to sharing best practices. As a result, the Legal and Parliamentary Affairs issued a report on the bill in December 2018. Subsequently, in January 2019, the Bill appeared on the order paper for the second reading however the Minister of Justice and Constitution Affairs requested for two more weeks to harmonize feedback from the Legal and Parliamentary Committee with the draft bill. LASPNET in partnership with the Greater North Parliamentary Forum (GNPF) is facilitating advocacy efforts to fast track the enactment of the National Legal Aid Law. The zero draft of the law is still under technical review process before it can be tabled and the draft policy has been at Cabinet since 2012.

		Demand government to provide adequate funding for JLOS institutions to guarantee better remuneration of officers.	JLOS Secretariat has continued to advocate for restructuring to enhance staff capacities and also improve welfare of staff.
		Furthermore, the government needs to develop policies geared towards improving on the welfare of justice system officers e.g. through the provision of decent housing. This may reduce to some extent the vulnerability of corruption—especially among the Police officers.	Government has made a commitment to improve the welfare of lower ranking police officers. In the FY2018/19 Government embarked on the construction of flat housing blocks and these will benefit more than 1500 police officers.
		Create more awareness to the public that it's their constitutional right to fight corruption.	Awareness creation platforms such as Court Open days, Barazas, IEC materials and Media have provided leverage to JLOS in partnership with other stakeholders such as IGG and LASPNET to sensitize the public on their role to fight corruption.
	Public	The public should desist from offering bribes to the public officers.	Generally, Uganda is still ranked among the most corrupt countries having scored the 149th least corrupt nation out of 175 countries, according to the 2018 Corruption Perceptions Index reported by Transparency International. Although this is the case, the public is being encouraged by the different entities including IGG to desist from paying bribes. IGG's efforts are further complemented by LASPNET's Break the Silence on corruption campaign which is implemented through radio talk shows, jingles and DJ mentions as well as Anti-corruption posters. Furthermore, ActionAid Uganda under its "I paid a Bribe" campaign and Anti-corruption Caravan have sensitized the public on the costs of corruption hence encouraging the public to desist the vice.
		They should break the silence by reporting corruption and unprofessional conduct of public officers through the established mechanisms.	Through utilizing different complaint handling mechanisms of JLOS institutions, the public has been able to lodge complaints against errant public officers. Recently, the newly created State House Anti-Corruption Desk launched a toll-free line (0800100770 and 0772634743) for reporting corruption and also the same for Judiciary (0800-111-900/0417-892-900). However, there is need for more popularization of such mechanisms to the public in order to increase reporting of corrupt officials.

6

CHAPTER SIX
CONCLUSIONS &
RECOMMENDATIONS



6.0 CONCLUSIONS AND RECOMMENDATIONS

- 1) A large part of the success of implementing the JACS is outside the control of the JLOS sector. Funding is a major determinant of whether the proposed interventions are actually implemented. The assessment has revealed that most JLOS institutions are underfunded and anti-corruption activities have suffered and, in some instances, not prioritized due to inadequate funding. The JLOS Secretariat can explore leveraging external funding from institutions such as SUGAR-TAF, European Union and UNDP to support the implementation of anti-corruption activities.
- 2) Related to funding, specialized units dealing with corruption related complaints such as JSC and PSU need significant infrastructure support e.g. motor vehicles, computers as well as capacity building in inspections and or investigations.
- 3) JLOS institutions that are yet to embrace automation need to invest more in the use of technology to deliver services. Mechanisms that reduce the scope for individual discretion reduce the opportunities for JLOS officials to engage in corrupt practices.
- 4) Although the current Police Form 18 used to offer Police Bond to suspects is couched in a legal language, certain provisions on the form are ambiguous to indigents and can serve as an opportunity to engage in corrupt practices. In addition to the water mark indicating that police bond is free, there need to consider either removing the text that mentions money to be paid in case of a suspect absconding or the text is re-written given that it is currently not enforced. Police forms can go a step forward and remove any ambiguities regarding payments for Police Bond.
- 5) Some provisions of the JACS may not be implemented e.g. naming and shaming as well as establishment of JLOS tribunals. This is partly because, such provisions initially required to be grounded in legislation and the unviability with respect to current standing orders makes their implementation burdensome and indeed, provisions such as naming and shaming may be placing an unreasonable burden to JLOS institutions.
- 6) The broader national anti-corruption strategy is not aligned or supportive to JACS. There are a number of parallel institutions e.g. Directorate of Ethics that are implementing anti-corruption activities. There has been recent creation of parallel structure with the potential to cost government funds in terms of compensation awards due to operating outside the legal framework.
- 7) There is need for continuous training of Police officers and structures charged with handling inspections—beyond basic CIID courses to investigation of sophisticated corruption cases.
- 8) The JLOS secretariat needs to develop reporting templates and issue them to the JLOS institutions—to enable the systematic tracking of implementation of the JACS.

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Matrix for the Assessment of implementation of the JACS

	Key output	Activities	Achievement
Objective 1: Enhance sector capacity to prevent corruption			
1	Improved structures, systems and facilities for efficient service delivery in JLOS;	Simplify and disseminate rules and procedures	JSC revised and published the 3rd edition of "Citizen handbook on Law and Administration of Justice in Uganda" and the handbook is translated into 5 local languages. The Judiciary developed a simplified Court user guide for criminal cases. The 6-page guide lists the 9 stages that a suspect may experience from arrest to appeal. The guide is effective in as far as spelling out the rights of the accused at each stage as well as the constitutionally specified duration of stay e.g. on remand. However, the guidelines are only English and not translated in any local languages.
2		Reorganize and strengthen District Coordination Committees (DCCs)	DCCs were reorganised to include local government leaders, faith-based organizations and selected court users. New DCC Guidelines developed and implemented. RCCs and Advisory Boards are in place to follow up issues at regional and national levels. In FY 2014/15, DCCs/RCCs were trained and as well issued with guidelines. In additions, DCCs have been supported by JLOS to hold regular monthly meetings and conduct open days. Furthermore, DCCs conduct inspection to facilities to ensure minimized over detention. Inspectorate of Courts interacts with DCCs members during regular inspections and the inspectorate also reviews minutes of previous meeting. In addition, DCCs serve as a point of reference during investigation of cases of gross misconduct. As of 2017/18, DCCs were operational in 127 districts.
3		Establish functional front desks with clear identification	Based on corruption monitor reports, a large number of Courts have no customer care desks and this leaves court users susceptible to fraud from masquerades. This incidence is most acute in areas where courts use rented premises (40% of Courts are rented). However, the proposed fully-fledged Customer Care Centre by the Judiciary will provide accurate information about Judiciary/Court service for all Court users regardless of location using the One-Stop-Shop approach.
4		Review support staff structure of the Judiciary (with a view of placing them under the JSC jurisdiction)	<ul style="list-style-type: none"> Review embedded in the Administration of Judiciary Bill that is before cabinet and pending enactment by Parliament. However, the legal affairs committee report to Parliament indicates that due to constitutional provisions relating to JSC, support staff should remain under judiciary.

5	Improved structures, systems and facilities for efficient service delivery in JLOS;	Develop clear terms of reference for Public Relations Officers (to ensure that they are more pro-active rather than reactive)	Development of strategies, training and field excursions conducted to ensure pro-active engagement with public. In the Judiciary, the PRO offices are involved in the dissemination of information relating to investigated cases disposed or pending e.g. with the JSC. In addition, PROs are involved in advertising and popularizing the availability of complaints handling mechanisms as well as disseminating anti-corruption posters. The TORs for PRO in the ODPP are publicised on the website.
6		Conduct periodic integrity & anti-corruption trainings and/or refresher sessions for JLOS MDAs' staffs	<ul style="list-style-type: none"> • Regular trainings for ODPP, UPF, ACD/Judiciary conducted. • JSI supported to provide regular training JLOS staff. ODPP has conducted several trainings on prosecuting corruption crimes. For the Judiciary, the integrity training is imbedded in the induction courses for new staff. There is a curriculum for ethics and integrity and the course is run by Judicial Training Institute (JTI). The course provided by the JTI targets new Judicial Officers; it is only conducted in other circumstances as a stand-alone course when funds are available.
7		Conduct training for staff in investigation, prosecution and adjudication of corruption cases	The ODPP has conducted Assets Forfeiture and Recovery training workshops as part of the capacity building for JLOS anti- corruption agencies. Judiciary conducted a few trainings every after 2-3 years.
8		Develop, disseminate and enforce client charters, performance standards and codes of conduct	By 2016, at least 12 of the 18 JLOS institutions had client charters. Some of the charters are available on the institutional websites e.g. URSB, UPS, UHRC, JSC, ODPP, TAT and JLOS. During 2017/18-2019/20, the ODPP targets to translate the client's charter and print and disseminates 5000 copies annually. UPF proposes to promote access to information through development of client charters. The website-based client charters may not be easily accessible to ordinary citizens. Based on the 2016/17 Uganda Household Survey, although 40% of communities have access to an internet point within 3 kilometres, only 6% of households actually use internet. As such, the charters may not be read. This calls for alternative mechanisms for disseminating information available in the charters.

9	Improved structures, systems and facilities for efficient service delivery in JLOS;	Review, harmonize & implement salary structure across JLOS institutions (make structure uniform)	The salaries of the various JLOS institutions are not harmonized. There is variation across JLOS institutions and within institutions. For example, Judges earn much higher rates compared to other judicial officers. Also, staff of JSC earn less than those of the Judiciary. In July 2018, salaries for legal professionals in the judiciary (members of the lower bench) and ODPP were revised in the range of 15%-35% depending on position and salary scale. Salary enhancement for Police and Prison Officers was effected in July 2018 for the lowest paid staff in salary scales U6, U7, and U8. Whereas the salary enhancement covered all legal professionals in the Judiciary, ODPP and Solicitor General's offices, in other institutions such as Police only the lowest cadre of staff were considered. Even for the same salary scale, there are differences in salaries across institutions. For example, whereas the U6 (upper) category for police receives UGX 573, 331, the corresponding rate in the Judiciary is UGX 850,000. As such harmonization is yet to be achieved. Secondly, the average salary increments of 31% for police and prison officers is unlikely to limit temptation of resorting to corruption to meet personal needs.
10		Review & implement terms and conditions of service for all JLOS staff	Some conditions relating to performance have changed. For example, the Judiciary developed a computerised Judiciary Performance Enhancement Tool (PET). Some terms of service relating to salary, housing, and provision of medical allowances have remained the same. For example, Prosecutors salaries are taxed whereas those of judicial staff are not. There was an industrial action by the Uganda Judiciary Officers Association (UJOA) and the Uganda Association of Prosecutors in 2017. In addition, to salary demands, the UJOA requested for a review of the judicial officers' transfer policy.
11		Promote transparency at all levels	<ul style="list-style-type: none"> • The JLOS Annual work plan and budget were printed and disseminated. • Semi-annual and annual JLOS progress report printed and disseminated. • All JLOS MDAs apply ICT for information dissemination and engagement with users of JLOS services. In addition, electronic boards have been established by the UPF in the KMP and the Judiciary also has electronic boards at the Court of Appeal, Supreme Court and Kampala High Court. The Judiciary has developed the Judiciary Performance Enhancement Tool (PET) premised on a 360-degree appraisal system involving a number of stakeholders including the public.

12	Improved structures, systems and facilities for efficient service delivery in JLOS;	Implement participatory budget processes	<ul style="list-style-type: none"> • Participatory budgeting process in place at institutional and sector level. • JLOS PPU, Budget-working group, Technical and Steering Committee involved in the process. For example, the Registry of Magistrates Affairs hold regional planning consultative workshops to prepare costed work plans. Judicial officers submit costed clearance work plans to the Case Backlog Monitoring Committee. Courts are required to submit plans by 15th February each year to allow integration in the Judiciary annual budget.
13		Develop an integrated JLOS-wide information management system (JLOS INFOMIS)	<p>JLOS-INFOMIS is not yet in place due to costs. In addition, JLOS MDAs are developing institutional integrated information management systems with protocols to permit integration at Sector level. For example, The Judiciary is using the Court Case Administration System (CCAS) but the Judiciary is in advanced stages of acquiring an Electronic Court Case Management and Information System (ECCMIS); pilot is expected to start in August 2019. ECCMIS will cost UGX 24 Billion over 2018/19-2021/22; however, required funds for Judiciary ICT strategy amount to UGX 60 Billion. ECCMIS will eliminate opportunistic corruption and bar Court Clerks from interacting and accessing Court files. ODPD established the PROCAMIS in 2014; PROCAMIS is not fully operational--especially at upcountry stations. URSB implemented the Queue management system which stopped the need to pay bribes to expedite services i.e. services are provided on a first come first serve basis. Police intends to set up a Crime Records Management Information System (CRMS). The CRMS for police is not operational. According to the UPF anti-corruption strategy, without sufficient funding for automation, opportunistic corruption arising from regular contact with the public will persist.</p>
14		Implement open door policy within JLOS institutions	<p>Some institutions have partly implemented this while many remain closed especially to the beneficiaries of public services. During 2018/19 FY, the Judiciary upgrade its Toll-Free facility into a fully-fledged Customer Care Centre with a back-end office to provide appropriate feedback to callers. Daily suspects parade by UPF has availed opportunities to stakeholders beyond JLOS to access suspects and establish any human rights violation.</p>
15		Enforce public service standing orders and other relevant regulations and laws	<p>Standing orders relating to staff transfer (after staying in a station for at least three years) have been effected by institutions especially the UPF and Judiciary. In the Judiciary, transfers are effected every two and half years. However, staff transfers routinely target the professional cadres and leave out the support staff who may also be involved in corruption.</p>

16	Improved structures, systems and facilities for efficient service delivery in JLOS;	Enforce the complaints handling systems in all JLOS institutions	<ul style="list-style-type: none"> • JLOS Complaints Handling Framework developed and disseminated to all JLOS MDAs. • Implementation of complaints handling system on-going. • Complaint and feedback mechanisms in place; toll free phone lines, SMS hotlines, complaint boxes, Customer care desks, Public Relations Officers, and JLOS services User Committees. Institutions have set up different complaints handling mechanism with varying effectiveness. UPF has the Uganda Police Professional Standards Unit (PSU) that handles police complaints. At various Courts, there are suggestion boxes--separately for the Courts and the JSC. However, addressing the received public complaints remains a challenge and is affected by institutional staffing challenges. For example, response to complaints made to JSC depend on the availability of commissioners. The ODPP has a target to address 95% of complaints registered against staff conduct & performance but in FY 2016/17, the achieved rate was 83%.
17		Establish peer group / ethics committees	<ul style="list-style-type: none"> • Disciplinary committees in place in UPF, ULS, ULC, JSC, Judiciary, and UPS. • JLOS Integrity Committee in place and has so far conducted 2 nationwide tours and published 2 reports. The judiciary has peer committees based on cohorts i.e. Court of Appeal, High Court, Magistrates, and Registrar. These peer groups meet at least quarterly and offer mentorship and support the upholding of the Judicial Code of Conduct.
18		Train JLOS institutions staff on ethics, integrity and performance management	New staff have been continuously trained on ethics and integrity before deployment.
19	Enhanced efficient and effective institutional integrity and performance	Establish whistle-blower mechanisms in all JLOS institutions	<ul style="list-style-type: none"> • The Whistle-blowers Protection Regulations, 2015 developed, published in the gazette and disseminated for implementation. ODPP established a Department of Complaints and Witness Protection which directly reports to the DPP. Others institutions intend to use the proposed national witness protection law to support institutional mechanisms. According to the ODPP, there is no witness protection law in place. The Witness Protection Bill 2015 remains a draft.
20		Undertake a fiduciary and internal governance risk assessment/study of JLOS members	Judiciary made several changes relating to handling Security Deposits, Bail, Non-Tax Revenues such as fines to address fraud and potential misappropriation. For example, depositing court fees in commercial banks was abolished in July 2017 and replaced with the URA system. During the launch of the New Law Year in February 2019, an electronic system for payment of Court fees was launched. Only assessments are performed at the Courts but payments to URA are via a mobile phone. The transaction ID resulting from the payment is placed on the Court file. The platform is based at points of sell at specific Courts. Measures were not as a result of a study but based on the Auditor General Report recommendation of 2015/16.

	Improved structures, systems and facilities for efficient service delivery in JLOS;	JLOS MDA's Anti-corruption policies in place	Judiciary, UPF and UHRC developed customized anti-corruption frameworks in 2017/18. During 2018/19, 10 institutions (ODPP, MIA, TAT, LDC, URSB, NIRA, ULRC and UPS) were supported by the JLOS secretariat to develop customized policies. By Oct 2018, at least MoJCA, URSB, ODPP, JSC and ULS had drafts in place. ODPP is finalising development of ODPP Anti-Corruption Action Plan. Some JLOS institutions such as LDC have no draft in place and have not received JLOS support to develop the same.
21		Develop a comprehensive communication strategy	<ul style="list-style-type: none"> • JLOS Communication Strategy developed by JSC.
22		Develop & implement a reward system to promote exemplary performance of JLOS Officers at all level	<ul style="list-style-type: none"> • A JLOS Reward and Recognition mechanism is in place at Sector level conducted annually. • Institutional reward systems in place in some MDAs (MoJCA, UPS, UPF, URSB, JSC, Judiciary). For example, Judiciary also implements an annual reward for best exemplary staff based on cohorts i.e. Supreme Court, High Court, Magistrates etc. Uganda Law Society offers awards e.g. best female magistrates.
23		Track compliance of declaration of wealth by all JLOS staff	<ul style="list-style-type: none"> • Tracking compliance of declaration of wealth compliance by the IG. • Overall JLOS level of compliance with declaration of wealth is 91.7% as at Jan 2016.
24	Enhanced public awareness on JLOS role and activities	Produce & disseminate public awareness materials	<ul style="list-style-type: none"> • All JLOS MDAs are supported and produce IEC materials about JLOS services, procedures, innovations and rights. Most institutions are involved in dissemination and raising awareness through handouts, flyers, posters, billboards, and radio talk shows. Handout and flyers are normally handed out at open days.
25		Provide information to the public on rights, procedures, fees or charges through the mass media and IEC materials	Under the UPF Anti-corruption strategy, there is a proposal to redesign police form 18 with a watershed indicating "Police Bond is Free". Prior to the advent of WhatsApp, the JSC proposed to use bulk SMS in 2014/15 to reach 10 million with information on law and administration.
26		Establish open days within JLOS institutions	<ul style="list-style-type: none"> • Open days regularly held by Judiciary, UPF, ULS, UHRC, and DPP. • Open days are held in collaboration with all JLOS MDAs. For the Judiciary, many Courts of Law hold regular open day and the practice has been mainstreamed through the office of the Principal Judge. In addition, various JLOS institutions as well as the JLOS secretariat host anti-corruption open days every December during the Anti-corruption week.

27	Enhanced public awareness on JLOS role and activities	Establish mechanisms for & strengthen partnership between JLOS and other anti-corruption agencies, civil society and private sector.	<ul style="list-style-type: none"> DPP, Judiciary/ACD, UPF are members of the Inter-Agency Forum of the Accountability Sector. JLOS Secretariat member of inter-institutional annual international anti-corruption week committee. LASPNET corruption monitors work with judiciary, DPP and UPF; Anti-Corruption Coalition Uganda (ACCU) works with the Judiciary and ODPP. The National NGO Forum and First Africa Bicycle Information Organization (FABIO) conduct anti-corruption Barazas--some of which highlight challenges in the Judiciary. Action Aid conducts anti-corruption caravans targeting citizen participation in the fight against corruption.
28	Objective 2: Strengthen the sector to detect, investigate and adjudicate corruption		
29	2.1 Strengthened structures, systems and processes for detection of corruption	Provide specialised training for the inspectorate staff within and among sector institutions (Judiciary, Police, DPP, JSC) and integrate their services at a sectoral level	UPF conducted training for CIID and PSU officers in tracking, handling and managing corruption cases in the UPF. In addition, an MoU was signed between ODPP Uganda, DPP Denmark and IG Uganda for anti-corruption capacity building activities.
30		Establish a coordination mechanism among inspectorates of JLOS institutions	The are a number of mechanisms in place including the JLOS Integrity Committee (JLOSIC), JLOS Inspectors Forum and the Accountability as well as Human rights working group.
31		Popularize the public complaints systems	ODPP has popularized the public complaint systems through open days and clients charter. JSC mechanisms are publicized through sensitization workshops, radio talk shows and prison inmate workshops.
32		Establish functional user committees bringing on board supply and demand side	<ul style="list-style-type: none"> User committees in place in Judiciary and URSB. For example, court users' committees provide for public participation in judicial processes. In addition, Human rights committees operational in all prison; Daily suspects parade undertaken in police stations.
33		Implement institutional performance standards and sanctions	<ul style="list-style-type: none"> Human Resource Managers' Forum in place to promote JLOS human resource performance. Specific to the Judiciary, the institution developed the Judiciary Performance Enhancement (PET) tool. The Chief Justice set up the Inspectorate of Courts through the Practice Directive of 2015. The JLOS Inspection Forum developed the Inspection Manual in 2013. Some courts have organized registries which minimize loss of court files.

			<p>URSB elevated the internal audit function to a Directorate and undertook restructuring of its processes e.g. creation of one stop centres. In 2015, the UPF launched guidelines for Quality Assurance of investigations at the CID. MIA installed CCTV in identified risk areas within the premises of the Ministry. UPF installed electronic notice boards in the KMP. The Judiciary has also installed electronic display boards in 12 Courts. The corruption monitor reports indicate the ODPP has implemented a weed-out programme aimed at fast tracking cases through the Noelle prosequi initiative.</p>
34		Develop a system for naming and shaming	<ul style="list-style-type: none"> Judiciary, JSC, and UPF publishes names of their public officers found culpable of misconduct and therefore reprimanded and/or dismissed. ODPP designed and designated a form to all accounting officers of MDAs whose staff were involved in corruption, spelling out specifics of the judgments of the corruption cases implicating convicted officers for the purpose of not retaining them in the civil service. The MIA proposed to Develop a data bank to track all disciplinary cases registered and disposed.
35		Conduct regular joint inspections, monitoring and evaluation done	<ul style="list-style-type: none"> JLOS joint inspections conducted by JLOS Inspectors Forum (Judiciary, UPF, UPS, JSC, DPP, MoGLSD, MoJCA, DCIC, MoLG and UHRC). JLOS Integrity Committee (JLOSIC) in place and conducts bi-annual nationwide inspection tours. JLOS Secretariat organizes and facilitates regular joint monitoring visits with Development partners, and members of the JLOS governance structures. JLOS MDAs annually provided resources to conduct M&E activities. Semi-annual and annual joint GoU and Development Partners evaluation of JLOS performance regularly held.
36	Strengthened coordination mechanisms for detection of corruption	Develop guidelines and mechanisms for protection of whistle-blowers and witnesses	<ul style="list-style-type: none"> The Whistleblowers Protection Regulations, 2015 developed, published in the gazette and disseminated for implementation. With respect to implementation, JSC facilitates the complainant and the complainants' witnesses for cases that end up at a Disciplinary Committee hearing. In the ODPP, witness protection and victim's empowerment are one of the performance measures. Specifically, the ODPP considers the proportion of public complaints on criminal justice process as one indicator for witness protection. There is no witness protection law in place; staff may fear to testify against either their colleagues or their superiors. As such, cases may stall in courts and could be withdrawn due to failure of witnesses to testify in court.
37		Conduct public sensitization on formal procedures for reporting corruption	<p>Procedures how to obtain redress have been disseminated through public Barraza's, radio talk shows as well as prisons and police (suspects parade) sensitization programs.</p>

38	2.1 Strengthened structures, systems and processes for detection of corruption	Develop a mechanism for providing feedback to informers /complainants to build public confidence.	<ul style="list-style-type: none"> JLOS Complaints Handling Framework developed, launched and disseminated to all JLOS MDAs for implementation. Toll free phones in place in JSC, UHRC, UPF, and UPS. Designated Public Relations Officers in place in; MIA, DPP, Judiciary, URSB, UPF, UPS, DCIC. In FY 2017/18, JSC installed an automated complaint handling system; JSC conducts stakeholder's forum on Anti-corruption to disseminate findings from activities; URSB and Judiciary have set up call centres, the URSB call centres receives incoming calls as well as makes outgoing calls. ULS set up toll free lines to receive complaints against lawyers. Toll free lines offer an opportunity to provide feedback on complaints.
39		Strengthen and coordinate inspectorate functions within and among sector institutions and integrate their services at a sectoral level.	JLOS Inspectors Forum, the JLOS Integrity Committee, the JLOS Audit Committee, Human Rights and Accountability Working Group, PSU, Chief Inspector of Courts. For example, the JSC works with the Inspectorate of Courts and CSOs in the investigation of cases and in the conduct of other enforcement measures.
40		Establish and strengthen the public complaints systems (hotlines, suggestion boxes, etc.).	The following JLOS institutions have public complaints' systems (toll free line and suggestion boxes) i.e. URSB, the JSC, the Judiciary, UPF, UPS, MoGLSD, ODPP and UHRC. Furthermore, the ODPP established a standard that suggestion boxes are opened quarterly during inspection of field stations. The PSU in 2015/16 launched specific help lines under the theme 'Together, we improve service delivery" to members of the public to lodge complaints on any police units not delivering services to expected standards. JSC public complaints management system is affected by irregularity of JSC Commissioners. As such, a large number of received complaints are addressed due to only.
41	Increased staff capacity to detect corruption	Train inspectorate staff in skills for tracking corruption	ODPP trained staff in the anti-corruption department to handle corruption cases and increase public awareness of the effects of corruption.
42		Restructure and fill existing vacancies	This has not been done; the 2018 Auditor General report notes that the ODPP staffing shortage in ODPP stands at 59% as of June 2018. For Police and Prisons, it is 34% and 41% respectively as of June 2017.
43	Objective 3: Ensure effective mechanisms for punishment of those found culpable		
44	Timely and Fair trials	Establish an impartial tribunal for disciplinary action established (with representation from all JLOS institutions)	This was not undertaken due to variations in mandates. UPF has the Police Disciplinary Courts as well as the PSU that investigates corruption cases.

45		Conduct effective investigation and prosecution of suspected offenders	<ul style="list-style-type: none"> Prosecution led investigations conducted and have led to increased conviction rates. The JSC proposed to “offer more than one disciplinary committee panel to expect disciplinary proceedings”. The UPF proposes to trial officers found to have committed corruption and dispose off such cases within 3 months. The 2014 ODPP Clients Charter commits to ensure that 95% of public complaints against the criminal justice system are addressed. Case clearance rate of complaints against lawyers, police and JLOS officials increased from 75% in 2016 to 97.7% by 2017/18
46		Equip anti-corruption courts to record and transcribe proceedings	<ul style="list-style-type: none"> Court recording and transcribing equipment provided to ACD. In addition, draft Case Management Rules developed for the ACD.
47		Facilitate witnesses to testify in court	JSC facilities complaints and their witnesses to appear before the commission. If one of the litigants do not understand the language of the Court, he/she is availed an interpreter. The Judiciary and ODPP also facilitates witnesses. The amount of funds allocated for witness protection under the ODPP is very low.
48		Effect immediate registration of cases which are fully investigated	During 2017/18, at least 23% of all complaints received by JSC (550) were related to corruption. At least 76% of the corruption complaints were investigated.
49	Punishment mechanisms harmonized and implemented	Effect deterrent sanctions and punishment to those found guilty:	JSC can dismiss, retire in public interest or severely reprimand errant officers; ODPP officers under investigations are interdicted and only receive half pay. UHRC and JSC are often affected by the expiry of the terms of service of their Commissioners and this often leads to case backlogs. Due to constitutional provisions, the JSC cannot discipline non-judicial staff working in the judiciary. JSC is still heavily centralized without regional offices as was expected under SIP III; other JLOS institutions have regional offices to deal with the numerous complaints.
50		Enforce stringent internal disciplinary measures against suspected errant officers	<ul style="list-style-type: none"> Deterrent sanctions, and recovering of public funds implemented. Publicity of convicted perpetrators of corruption in media ongoing. Strengthening of civil legal action for recovery of proceeds of crime from convicts ongoing. The Chief Justice strengthened the inspectorate function in the Judiciary, by appointing a Justice of the Supreme Court as Chief Inspector of Courts. However, the Administration of the Judiciary Bill of 2018 which would guarantee Judiciary independence from JSC and aid the speedy resolution of corruption complaints in the Judiciary is yet to be passed, more than 4 years since it was first proposed. The effectiveness of internal disciplinary committees is still weak due to low case disposal rates and variations in terms of service for disciplinary committee members.

51		Produce & disseminate periodical reports / journals exposing perpetrators of corruption in the sector	<ul style="list-style-type: none"> • Semi-annual and annual reports on cases of corruption prepared. • Sector journal/publication exposing perpetrators of corruption to be implemented in FY2016/17
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List of persons interviewed

	Name	Institution/Position
1	Mr. Musa Modoi	JLOS-Technical Advisor Human Rights and Accountability
2	Inspector Alfred Okulu	Uganda Prison Service
3	SCP James Ocaya	Uganda Police Force-Planning Directorate
4	Josephine Namatovu	ODPP-Anti-Corruption Court
5	HW Dr. Immaculate Busingye	Inspector of Courts
6	HW Susan Kanyange	Anti-Corruption Division-ACC
7	ASIP Billy Barabau	PSU-Deputy Commandant/In-charge Investigation
8	ASIP Richard Lukungu	PSU-Investigations/JLOS Coordinator
9	SSP John Ewotu	PSU-Legal Officer

List of Stakeholders who validated the Assessment Report

NO	NAME	INSTITUTION
1	SCP Ocaya James	Uganda Police Force
2	Ms. Nakandi Zulaikah	Inspectorate of Government
3	Mr. Drate Yassin Jaffer	West Nile Youth Empowerment Centre
4	Ms. Betty B. Among	Uganda Human Rights Commission
5	Ms. Christine Iga	Inspectorate of Government
6	Mr. Kalulu Godfrey	Platform for Labour Action
7	Mr. Boniface Etol	Justice Centres Uganda
8	Mr. Patrick Macho	Community Justice and Anti-Corruption Forum
9	Dr. Ibrahim Kasirye	Consultant
10	Mr. Obwola Samuel	Human Rights Focus
11	Mr. Akware Doreen	Community Justice and Anti-Corruption Forum
12	Mr. Kidiya Herbert	Judiciary
13	Mr. Modoi Musa	JLOS Secretariat
14	H/W Nassuna Flavia Matovu	Inspectorate of Courts
15	Mr. Robert Mukobi	Consultant
16	H/W Kanyange Susan	Anti- Corruption Court Division
17	Mr. Gumisiriza Pius	Uganda Management Institute
18	Ms. Gasana Deborah	Uganda Law Society
19	Ms. Sylvia N. Mukasa	Legal Aid Service Providers Network
20	Ms. Violah Ajok	Legal Aid Service Providers Network
21	Mr. Katende Richard	Legal Aid Service Providers Network
22	Ms. Daphine Achen	Legal Aid Service Providers Network
23	Mr. Ojambo Martin	Legal Aid Service Providers Network
24	Mr. Badru Walusansa	Legal Aid Service Providers Network
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