



LASPNET
LEGAL AID SERVICE PROVIDERS' NETWORK

ACTION RESEARCH ON THE STATUS OF IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOAL 16 IN UGANDA

NOVEMBER 2020

16 PEACE, JUSTICE
AND STRONG
INSTITUTIONS





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Acronyms

ACCU	Anti-Corruption Coalition Uganda.
ACD	Anti-Corruption Division.
ADR	Alternative Dispute Resolution
CCTV	Closed Circuit Television.
CECORE	Conflict for Conflict Resolution
CEDAW	Convention against all Forms of Discrimination against Women.
CID	Criminal Investigations Directorate.
CNDPF	Comprehensive National Development Planning Framework.
CRMS	Crime Records Data Management System.
CSOs	Civil Society Organizations.
D/H&LS	Directorate of Human Rights and Legal Services.
DCCs	District Chain Linked Committees.
DGF	Democratic Governance Facility.
DPP	Director of Public Prosecutions.
DRDIP	Development Response to Displacement Impacts Project.
EU	European Union.
FIA	Financial Intelligence Authority.
FIDA	Uganda Association of Women Lawyers
FY	Financial Year.
GAPR	Government Annual Performance Report
GBV	Gender Based Violence.
GoU	Government of Uganda.
GPPAC	Global Partnership for Prevention of Armed Conflict
HIV/AIDS	Human Immune-deficiency Virus.
HRBA	Human Rights Based Approach.
HUREPIC	Human Rights and Peace Centre.
HURIS	Human Rights Information System.
IAEG	Inter-Agency Expert Group.
ICCPR	International Convention on Civil & Political Rights.
ICESCR	International Covenant on Economic, Social and Cultural Rights.
ICRC	International Committee of the Red Cross.

IDPs	Internally Displaced Persons.
IEC	Information, Education and Communication.
ISER	Initiative for Social and Economic Rights.
JCU	Justice Centres Uganda.
JLOS	Justice Law and Order Sector.
JLOS SDPIV	Justice Law and Order Sector Strategic Development Plan Four.
JLOS SIPIII	Justice Law and Order Strategic Investment Plan Three.
JLOSIC	Justice Law and Order Sector Integrity Committee.
JSC	Judicial Service Commission.
KMP	Kampala Metropolitan.
LASPNET	Legal Aid Service Providers Network.
LASPS	Legal Aid Service Providers.
LC	Local Council.
LCCs	Local Council Courts.
LGDP	Local Government Development Plans.
LGs	Local Governments.
LLGs	Lower Level Local Governments.
LLM	Master of Laws.
M&E	Monitoring and Evaluation.
MDAs	Ministries, Departments and Agencies.
MDGs	Millennium Development Goals.
MoFA	Ministry of Foreign Affairs.
MOFPED	Ministry of Finance, Planning and Economic Development.
MoING	Ministry of Information (ICT) and National Guidance.
MoJCA	Ministry of Justice and Constitutional Affairs.
MoLG	Ministry of Local Government.
MoU	Memorandum of Understanding.
NAP	National Planning Authority
NDP	National Development Plan.
NDP II	National Development Plan II.
NGO	Non-Government Organisation.
NPA	National Planning Authority.
NPA	National Planning Authority.
NSI	National Standard Indicators.
NSSD II – PNSD II	National Strategy for Statistical Development and the second Plan for National Statistical Development.
ODPP	Office of the Director of Public Prosecutions.
OHCHR	Office of the High Commissioner for Human Rights.

OPM	Office of the Prime Minister.
PF 18	Police Form 18.
PSFU	Private Sector Foundation Uganda.
PSU	Professional Standards Unit.
PWD	Persons with Disabilities.
ReHoPE	Refugee and Host Population Empowerment.
RLCD	Rule of Law and Constitutional Democracy.
RPC	Regional Police Commander.
RRF	Results and Reporting Framework.
SDGs	Sustainable Development Goals.
SDGs-ISC	Sustainable Development Goals Implementation Steering Committee.
SDGs-PCC	Sustainable Development Goals Policy Coordination Committee.
SGBV	Sexual and Gender Based Violence.
SGBV	Sexual and Gender Based Violence.
SIP	Sector Investment Plan.
SUGAR-TAF	Strengthening Uganda's Anti-Corruption Response Technical Advisory Facility.
TWGs	Thematic Working Groups.
UBOS	Uganda Bureau of Statistics.
UDHR	Universal Declaration of Human Rights.
UHRC	Uganda Human Rights Commission.
ULC	Uganda Law Council.
ULRC	Uganda Law Reform Commission.
ULS	Uganda Law Society.
UN	United Nations.
UN WOMEN	United Nations Entity for Gender Equality and the Empowerment of Women.
UNCTAD	United Nations Conference on Trade and Development.
UNDP	United Nations Development Programme.
UNFPA	United Nations' Population Fund.
UNGA	United Nations General Assembly.
UNICEF	United Nations Children's Fund.
UNODOC	United Nations Office on Drugs and Crime.
UPF	Uganda Police Force.
UPS	Uganda Prison Services.
URSB	Uganda Registration Services Bureau.
USAID	United States Agency for International Development.



Acknowledgement



In July 2019, LASPNET embarked on the development of the Action Research aimed at tracking the Status of Implementation of Sustainable Development Goal (SDG 16) in Uganda. The study focused on 3 targets which include 16.3 (Calls for promotion of the Rule of Law at the National and International levels and ensuring Access to Justice for all); 16.5 (Requires substantial reduction in corruption and bribery in all their forms) as well as 16.7 (Indicates that decision making is responsive; inclusive; participatory and representative at all levels.

I would like to note that the development of this research study was participatory involving consultations at both the National and Subnational levels. The findings were further validated on 16th July 2020, where a wide range of stakeholders including Legal Aid Service Providers and Strategic Partners provided their input for purposes of enriching the report.

It is our sincere hope that the findings of this research will enable both State and Non-state actors to reflect and assess their contribution towards the achievement of SDG 16 on Peace, Justice and Strong institutions which are all fundamental drivers of socio-economic development.

On that note, I wish to appreciate Professor Christopher Mbazira of Makerere University/ Public Interest Law Clinic who also acted as the Lead Consultant for this research supported by Mrs. Lydia Namuli Lubega of Legal Aid Law Clinic of Law Development Centre. Additionally, we commend all the Stakeholders who participated in this research during the consultations and validation meeting.

Finally, this research would not have come to light without the financial and technical support of our esteemed Development Partner; - the Democratic Governance Facility (DGF). LASPNET is forever grateful for this partnership.

Dr. Sylvia Namubiru Mukasa
Chief Executive Officer



Executive Summary

This report is a result of a study carried out to track the status and extent to which SDG 16 targets 16.3, 16.5 and 16.7 are being implemented in Uganda. The study examines the country's planning process and the extent to which these plans, laws and policies have led to the realisation of the three SDG 16 targets. The research is purposed at documenting performance of the JLOS as part of LASPNET's agenda to undertake an Annual thematic Research on access to justice.

The Study which has been carried out from July 2019 to September 2020 found that Uganda is committed to its obligations under SDGs by domesticating and incorporating them in an elaborate planning framework. Regarding SDG 16, various interventions have been undertaken in JLOS to ensure realization of the three targets of focus in this study. For instance, the Sector has strengthened the policy and legislative framework to promote the rule of law and access to justice especially for vulnerable groups like women, children and persons with disabilities. Nonetheless, there are persistent hindrances that ought to be addressed. Key obstacles highlighted include corruption in JLOS, deficits in respect for and promotion of human rights as well as adherence to the rule of law. Other challenges include staff gaps characterised among others by gendered deficiencies, costs of accessing justice services, geographical difficulty, lack of a culture of customer care and service in JLOS, stalling of the promulgation of some laws and policies, and delays in delivering judgments particularly by the Constitutional Court.

After analysing the progress towards implementation of SDG 16 targets 16.3, 16.5 and 16.7, the Study highlights and explains recommendations that ought to be implemented to ensure realisation of the three targets. Regarding target 16.3, there is the need to; nurture a culture of respect for human rights; ensure adherence to the rule of law; deepen interventions on gender equality; nurture informal justice systems and promote access to justice through enactment of the Legal Aid law which has been in the offing for so long. In respect of target 16.5, there is need to intensify the fight against corruption; ensure legal empowerment of citizens; strengthen the JLOS institutions; and build public trust in the institutions and processes. Finally, for target 16.7, the Study highlights and elaborates on the need for promulgation of guidelines for participation, and enhancement of participation in planning processes.

Since the challenges and recommendations above are not new, it is necessary that LASPNET employs innovative approaches to ensure that the recommendations are implemented. For instance, LASPNET can identify, engage and support organs and actors responsible for implementation to draw up a clearer roadmap of implementation. Further, LASPNET can utilise the on-going process of completing the National Development Plan III and relevant sector plans to push for some reforms in the Sector aimed at ensuring that no one (especially the vulnerable) is left behind.



1

Introduction

Systemic global development is important to promoting social, political, and economic welfare. This forms the basis for a global development approach, which is now guided by the Sustainable Development Goals (SDGs). The SDGs define the Global Development Agenda to be attained by 2030, replacing the Millennium Development Goals (MDGs), which expired in 2015. The goals, which are 17 in number, are aimed at ending poverty, protecting the environment and ensuring peace and prosperity to all people. The goals are interrelated, linked and coordinated.¹ Ultimately, the goals are purposed at leaving no one behind, which makes participation at all levels key in their realisation. The United Nations Development Programme (UNDP) speaks to the critical benchmark to ensure an inclusive process of implementation of the SDGs in a participatory and inclusive manner. Specifically, UNDP calls for deliberate action targeted at ending extreme poverty, reducing inequalities, candidly dealing with discrimination and reaching the furthest at the back of progress.² Suffice it to note that emphasis on implementation of the SDGs involves multi-sectoral partnership of government, private sector, civil society and citizens. States are expected to design development agendas and policies that will accelerate the achievement of the SDGs by 2030. It is based on this that states, including Uganda, have undertaken various approaches to realise these goals

The 2030 Agenda breaks new ground with its Goal 16 on Peace, Justice and Strong Institutions. This Goal requires states to promote peaceful and inclusive societies for sustainable development, providing access to justice for all and build effective, accountable and inclusive institutions at all levels. This Goal sets out 12 targets ranging from ending violence and deaths, ending abuse against children, ensuring legal identity, promoting rule of law to dealing with illicit financial flows. It is based on this that states are crafting their development plans, reviewing their legal frameworks and policies and establishing institutions relevant to the realisation of peace, ensuring access to justice and promoting accountability and inclusiveness.

Indeed, SDG 16 is evidence of global commitments to justice, peace and governance and an acknowledgement that these are important for sustainable development. This commitment is based on the realisation that many regions of the world continue to suffer untold horrors because of armed conflict or other forms of violence that occur within societies. That advances in promoting the rule of law and access to justice are uneven.³ This Report focuses on three targets of SDG 16: 16.3, 16.5 and 16.7; evaluating Uganda's performance with respect to attaining these targets.

¹ See <https://sustainabledevelopment.un.org/?menu=1300>

² What does it mean to leave no one behind? A UNDP Discussion Paper and framework for Implementation, 2018: Pg 3.

³ See <https://sustainabledevelopment.un.org/sdg16>

Uganda as a country has serious interests in ensuring that the SDGs are realised. This is because, as is demonstrated below, the country was at the “high table” during the adoption of the SDGs. The country’s Foreign Affairs Minister was at the time the President of the United Nations General Assembly (UNGA). As is illustrated below, the country has put the SDGs at the centre of its planning processes. This is in addition to establishing mechanisms to monitor the SDGs and to track their realisation. Indeed, the SDGs are highlighted as part of the parameters in the country’s Second National Development Plan (NDP II) and trickle through to the sectoral plans. The extent to which these plans, laws and policies have resulted into the realisation of the SDGs and SDG 16 targets 3, 5 and 7 is the subject of this Study.

The Study has established that Uganda is committed to the SDG obligations and has placed these in an elaborate planning framework. With respect to SDG 16, a lot has been done in the Justice Law and Order Sector (JLOS) to ensure that the targets set by this SDG are realised. Despite this, there are still some impediments that need to be addressed. These include deficits as far as respect for and promotion of human rights as well as adherence to the rule of law is concerned. Corruption in JLOS has also remained a “cancer” eating away at the Sector. There are also staff gaps characterised among others by gendered deficiencies. Access to justice services is also greatly affected by the costs of accessing the same, arising among others from long distances to service centres. Also problematic is the lack of a culture of customer care and service in JLOS. This is in addition to the stalling of the promulgation of some laws and policies, and delays in delivering judgments, particularly by the Constitutional Court.

It should be noted however that the challenges above are not new. Indeed, over the years, several recommendations have been made to address them. Although steps have been taken to address some of the challenges, some still stand. It is therefore necessary for LASPNET to consider adopting innovative approaches in ensuring that the recommendations are implemented. LASPNET should identify the relevant organs and actors charged with the implementation of the recommendations. It should then engage with and support these to come up with a clear roadmap of implementation of the recommendations. Also, LASPNET could leverage its own capacity as well as that of its membership for purposes of engagement and support. It is also important for LASPNET to take advantage of the ongoing processes of completing the National Development Plan III (NDP III) and the relevant sector plans to push for some reforms in the Sector, especially for purposes of addressing the needs of the vulnerable and ensuring that no one is left behind.

1.1. Justification of the Research

It is in the above context that LASPNET commissioned this study to track the status of implementation of SDG 16. The Action research is part of LASPNET’s agenda to undertake Access to Justice thematic research. LASPNET has conducted this analysis since 2017 geared towards documenting the performance of the JLOS sector. The Analysis is based on several access to justice indicators. These reports provide a basis of documenting and providing some general and situational status on access to justice. Nonetheless, they have not been deliberate in tracking and monitoring the SDGs in general and SDG 16 in particular. This has created the need to undertake a more in-depth and informative action research.

The action research is aimed at enabling LASPNET establish what Uganda and its institutions are doing in terms of fulfilling its international obligation towards implementing SDG 16. Focus is was on SDG 16 targets 16.3, 16.5 and 16.7. As indicated above, target 16.3 calls for promotion of

the rule of law at the national and international levels and ensuring equal access to justice for all. Target 16.5 requires substantial reduction in corruption and bribery in all their forms while target 16.7 requires that decision making is responsive, inclusive, participatory and representative at all levels. The research therefore seeks to provide information as an advocacy tool at national and international level to influence policy reforms for the purposes of enhancing rule of law, access to justice and ensuring accountable institutions in the justice sector.

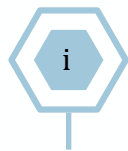
1.2. Action Research Objectives



1.2.1. Overall Objective

The Action research is intended to produce a CSO perspective Report providing information on the SDG 16 mainly indicators 16.3: 16.5 and 16.7 to assess progress and inform policy reforms and interventions by Government MDAs, Policy makers, Development partners, Media and CSOs to promote access to justice.

The specific objectives of the research are:



To establish the progress made by the Government of Uganda and its partners in regard to implementation of SDG16 (16.3: 16.5 and 16.7);



To highlight the challenges faced by the different justice institutions in tracking SDG16 (16.3: 16.5 and 16.7); and



To make recommendations on how Uganda can make progress on implementation of SDG 16.

1.3. Methodology

To achieve the above objectives, a “mixed methods” approach was used, engaging a participatory mode in data collection and a desk review. The assignment largely utilised qualitative methods of data collection. The lists of literature reviewed and respondents interviewed are attached (see annex 1 and 2). Qualitative data assisted in providing the context in which the SDGs are being implemented. The qualitative methodology is justified by the need to ascertain the background to the SDGs, the existing policy framework and progress made so far with respect to their realisation. Further, the methodology is key in defining key concepts related to SDG 16, Targets 3,5 and 7, particularly rule of law, access to justice, corruption and participation. The methodology is also important in establishing the universal standard and framework for implementing the SDGs (*see list of documents reviewed annex 3*).



1.3.1. Literature Review

A desk review of international human rights instruments, key Ugandan legislation relating to access to justice and corruption, working papers on rule of law. Also reviewed was literature on implementation of the SDGs, Institutional strategies recent annual reports of the JLOS, and publications on access to justice from other jurisdiction. The literature review was aimed at establishing the background information about SDG 16 and the 3 targets to establish international standards relevant to the targets. This was in addition to reviewing the legal and policy framework relevant to SDG 16, targets 3, 5 & 7 and establish levels of implementation.



1.3.2. Data Collection

In addition to the literature review, data for this Study was collected through interviews with key informants drawn from the JLOS institutions, LASPs, users of the justice system and community leaders. This was in the districts of Kampala, Nakaseke, Kaliro and Masaka. These districts were selected as random samples, informed mainly by budgetary constraints. The selection was also intended to have two samples, one representing an urban setting (Kampala and Masaka) and the other a rural setting (Nakaseke and Kaliro). The sample was supplemented by data collected from national interviews as well as information obtained from the literature review. A list of persons interviewed is attached as Annex 2. The interviews provided an insight of what is on ground vis-à-vis the planned interventions and the national level reports.



1.3.3. Study Limitation

The study encountered some challenges including fatigue of interviews by key informants at the national level and lack of time to interact with the researcher were major challenges. This was mitigated by supplementing the interviews with secondary information drawn among others from the literature reviewed.

1.4. Report Layout

This Report is comprised of four chapters, three substantive chapters and a chapter comprising of a Policy Recommendation Paper.

Chapter One introduces the study in the perspective of the client and the stakeholders, the rationale of undertaking the study, the research documentation process and limitations.

Chapter Two introduces the SDGs with specific focus on the essence of SDG 16, particularly targets 16.3, 16.5 and 16.7. The SDG implementation framework for Uganda is also demonstrated.

Chapter Three discusses the progress made by the Government of Uganda and its partners in regard to implementation of SDG16 (16.3: 16.5 and 16.7) and challenges faced by the different justice institutions in tracking SDG16 (16.3: 16.5 and 16.7). The chapter contains a review of studies, annual JLOS performance reports, scholarly writings and working papers on rule of law, corruption, participation and access to justice.

Chapter Four contains the recommendations in form of a Policy recommendation paper. The recommendation in this Chapter are tailored to address each of the challenges that constrain the realisation of the target 16.3, 16.5 and 16.7.

2

Understanding Sustainable Development Goal 16 and the Context

In 2015 when the MDGs expired, there still existed a need to propel the world to a level were political, economic and social stability. Although the role played by the MDGs was acknowledged, a lot more needs to be done beyond 2015. This is to continue the struggle against hunger, health challenges, environmental degradation and poverty. Most notable was the need to promote sustainable development. The MDGs were found to have many weaknesses. These include a lukewarm reception by many states which thought these would come as aid conditionalities. Equally so, some civil society groups were not comfortable that the MDGs did not address the problem of inequality and were weak on the goals of a global 'partnership. In addition, the MDGs were criticized for their omission of issues affecting women and in particular their reproductive health issues. It is indicted that the SDGs also did not address issues related to governance, conflicts, and economic growth and employment.⁴

It was demonstrated that the need for the SDGs was based on earth science which provided evidence of how rapidly the world's nature was changing. The changes are as a result of population pressures seen in new forms of resource utilisation and consumption trends. These aggravated climate change in negative ways.⁵ The MDGs largely tackled problems affecting developing countries, with the developed countries only expressing solidarity and support. In contrast, the SDGs are a matter of global concern.⁶ The SDGs address problems which have the potential to compromise global growth and have sustainable development elude mankind. It is also true that the realisation of the MDGs was uneven and did not adequately deal with the problem of exclusion. It was realised that development that is not inclusive cannot be sustainable, especially when a substantial proportion of the population is left behind. It is against the above that it was realised that the World needs to refocus its development agenda to make growth sustainable. This was to be achieved by a careful balancing of environmental, social and economic goals. This balance has aptly been captured by Joyeeta Guota and Courtney Vegelin as follows:

While sustainable development has ecological, social and economic aspects, the difficulties in optimizing all three aspects for present and future generations has led to the rise of concepts that embody dualities of this trinity—green economy/growth ... green society (which combines the environment with social goals), inclusive growth (which combines growth with social aspects)

⁴ See Sakiko Fukuda-Parr "From the Millennium Development Goals to the Sustainable Development Goals: shifts in purpose, concept, and politics of global goal setting for development" (2016) 24 Gender and Development, pp 43 – 52.

⁵ See Jeffrey D Sachs "From Millennium Development Goals to Sustainable Development Goals" (2012) 379 Lancet 2206–11, available at < <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2812%2960685-0> > (accessed on 8th June 2020).

⁶ See Sakiko (note 5) above.

and inclusive development (which focuses on social and ecological aspects) Green growth and inclusive growth are the two most dominant dualities and both have neo-liberal roots but take on an additional dimension—either environmental issues or the need to share economic growth with the poorest.⁷

The 2030 Agenda for Sustainable Development was adopted for the above purpose and is defined by 17 goals addressing different themes to be pursued through 169 targets. One of the aspirations that underlie the goals is to promote equity and ensuring that no one is left behind. This is based on the recognition that “the dignity of the human person is fundamental” and that the wish is “to see the Goals and targets met for all nations and peoples and for all segments of society”. And we will endeavour to reach the furthest behind first”.⁸

The 17 goals are as indicated as below.

The Sustainable Development Goals	
1.	End poverty in all its forms everywhere
2.	End hunger, achieve food security and improved nutrition and promote sustainable agriculture
3.	Ensure healthy lives and promote well-being for all at all ages
4.	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
5.	Achieve gender equality and empower all women and girls
6.	Ensure availability and sustainable management of water and sanitation for all
7.	Ensure access to affordable, reliable, sustainable and modern energy for all
8.	Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
9.	Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
10.	Reduce inequality within and among countries
11.	Make cities and human settlements inclusive, safe, resilient and sustainable
12.	Ensure sustainable consumption and production patterns
13.	Take urgent action to combat climate change and its impacts.
14.	Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15.	Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
16.	Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
17.	Strengthen the means of implementation and revitalize the global partnership for sustainable development.

⁷ J Gupta “Sustainable development goals and inclusive development” (2016) 16 International Environmental Agreements: Politics, Law and Economics 433–448.

⁸ Agenda 2030 Preamble

2.1 SDG 16

Of interest for this Study is SDG 16, which as seen above seeks to “[p]romote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all level.” This Goal sets out 12 targets ranging from ending violence and deaths, ending abuse against children, ensuring legal identity, promoting rule of law to dealing with illicit financial flows. SDG 16 is evidence of global commitments to justice, peace and governance and an acknowledgement that these are important for sustainable development. This commitment is based on the realisation that many regions of the World continue to suffer untold horrors as a result of armed conflict or other forms of violence. That advances in promoting the rule of law and access to justice are uneven.⁹ In addition, this novel SDG is based on the realisation of the importance of institutions, which must be both functional and accountable. According to Alan Whites, SDG 16 is more than simply a normative agenda and more than just technical capacity building. It lays out the central role for institutions, encompassing both their function and their ethos and logically puts politics at the heart of institutions.¹⁰ It has been argued that SDG 16 demonstrates the relevance of governance in economics and how sustainable development cannot be realised without proper governance.¹¹

In the context of justice and rule of law, SDG 16 is important in dealing with the barriers that constrain rule of law and access to justice. Access to justice has been defined as going beyond improving an individual’s access to courts or guaranteeing legal representation. That it must be defined in terms of ensuring that legal and judicial outcomes are just and equitable. It requires multi-pronged engagement and support across the chain, linking both the demand and supply side in order to address the multi-dimensional nature of access to justice.¹² It is this multi-pronged approach that SDG 16 with all its indicators try to address. It among others, deals with the ability on the part of disadvantaged people to seek and get a remedy through formal and informal justice systems. This is in addition to the ability to seek and exercise influence on law-making and law-implementing processes and institutions.¹³ By addressing institutional deficits as well as promoting equity, SDG 16 has the capacity to address the factors that constrain access to justice for the disadvantaged.

Rule of law on its part refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws. These are laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. That it requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability.¹⁴ The United Nation gives what it considers to be a set of indicators that could be used to determine the extent to which "rule of law" has been attained in a specific context.¹⁵ These are: Performance; integrity, transparency and accountability; treatment of members of vulnerable groups; and capacity. **Performance is about determining whether** institutions provide efficient and effective services that are accessible and responsive to the needs of the

⁹ See <https://sustainabledevelopment.un.org/sdg16>

¹⁰ Alan Whites Achieving the Impossible: Can we be SDG 16 Believers? GoveNet Background Paper, No. 2, 2016.

¹¹ Jean-Pierre Cling, Mireille Razafindrakoto, François Roubaud SDG 16 on Governance and its measurement: Africa in the Lead, available at <file:///C:/Users/chris/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/2018-02+-+SDG+16+-+Africa+in+the+Lead%20(1).pdf> (accessed on 11th June 2020).

¹² UNDP Access to Justice Practice Note (2004), ap p 6.

¹³ See Bedner 'Towards Meaningful Rule of Law Research: An Elementary Approach', MS Unpublished, VVI, (2004), Leiden.

¹⁴ United Nations Office of the High Commissioner for Human Rights The United Nations Rule of Law Indicators: Implementation Guide and Project Tools (2011), at pg iv.

¹⁵ As above.

people. **Integrity, transparency and accountability** is about determining whether institutions operate transparently and with integrity. This is in addition to whether the institutions are held accountable to rules and standards of conduct. **Treatment of members of vulnerable groups** determines how justice institutions treat minorities, victims, and children in need of protection or in conflict with the law, and internally displaced persons, asylum-seekers, refugees, returnees, and stateless and mentally ill individuals. **Capacity** is determining whether institutions have the human and material resources necessary to perform their functions, and the administrative and management capacity, to deploy these resources effectively.



Understanding Targets 16.3, 16.5 and 16.7

As indicated above, although SDG 16 has 12 targets, of relevance to this Study are targets 16.3,

Summary of SDG 16, Targets 3, 5 and 7

SDG 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels		
	SDG 16 Targets	Target Indicators
Target 16:3	Promote the rule of law at the national and international levels and ensure equal access to justice for all	16.3.1 - Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms; and 16.3.2—Unsentenced detainees as a proportion of overall prison population.
Target 16:5	Substantially reduce corruption and bribery in all their forms	16.5.1—the proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months. 16.5.2—the proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months.
Target 16:7	Ensure responsive, inclusive, participatory and representative decision-making at all levels	16.7.1 – the proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions. 16.7.2- the proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group.

16.5 and 16.7. It is important to understand each of these targets and the indicators adopted for their measurement.

2.2 Uganda and the SDGs

As already demonstrated, Uganda was at the “high table” during the adoption of the SDGs. This is because the country at the time indirectly chaired the United Nations General Assembly (UNGA) through its Foreign Affairs Minister, Hon. Sam Kuteesa as the President of the UNGA. Indeed, Uganda has severally committed to realisation of the SDG¹⁶ and as a matter of fact the SDGs have been put at the centre of the country’s national development planning process. The country has domesticated and integrated SDG implementation into the Comprehensive National Development Planning Framework (CNDPF). In the NDP II, it is noted that holding the Presidency of the UNGA when the SDGs were adopted puts in a vantage point.

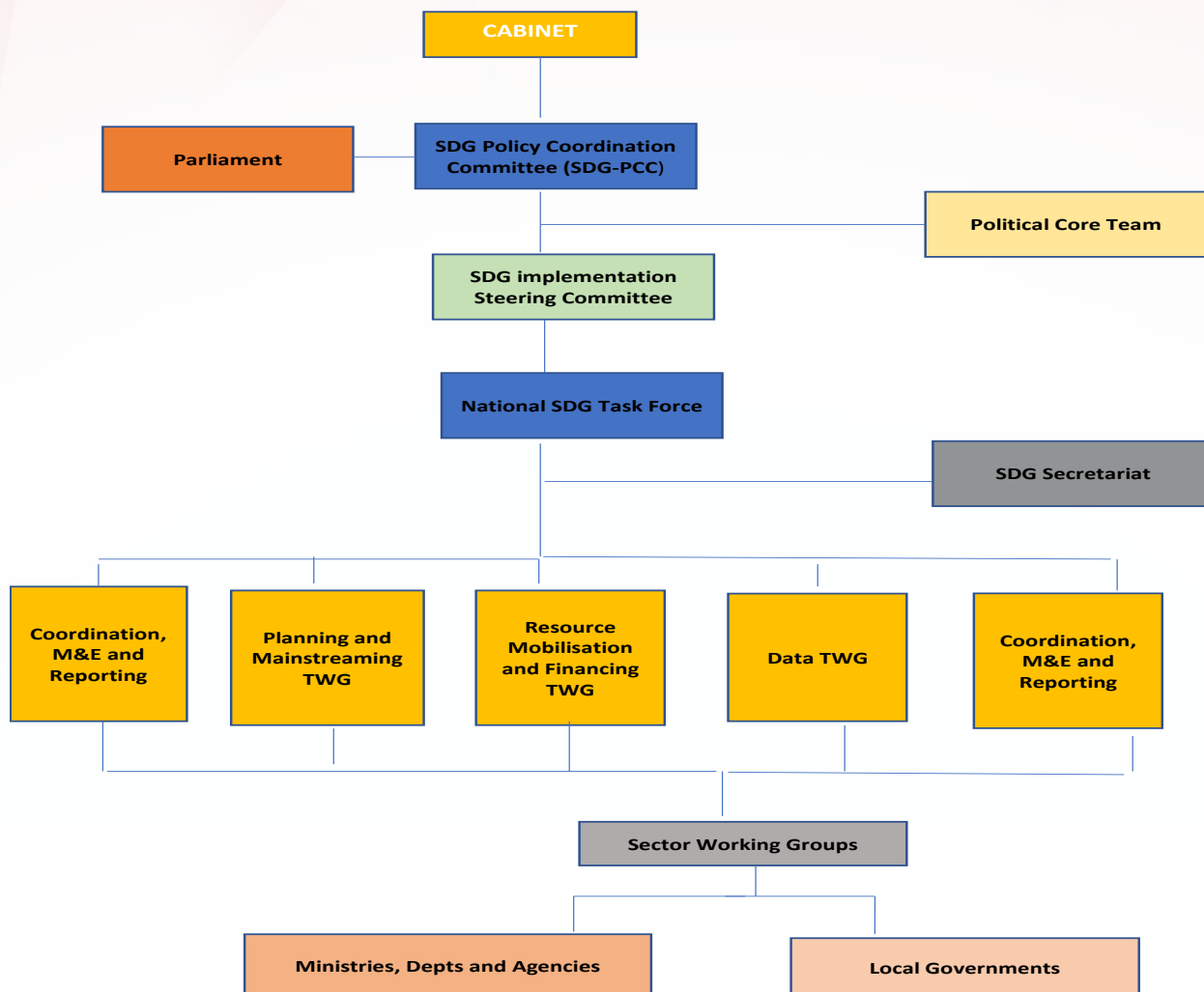
Holding the Presidency of the UN General Assembly during the debate, adoption and launch of the Post 2015 Sustainable Development Goals (SDGs), Uganda is in a uniquely advantageous position to lead by example by adopting and localizing the SDGs, and implementing projects geared towards achievement of the SDGs, particularly those that fit within the current national development obligations as well as East African Regional Integration and African Agenda 2063 development commitments. NDP II presents the perfect opportunity to do this.

NDP II, para 322

Indeed, Uganda has taken advantage of its position to implement the SDGs. For instance, Uganda has established a mechanism for the implementation of the SDGs by putting in place a working group under the Office of the Prime-Minister (OPM). The implementation of the SDGs is coordinated through the 5-tier SDG Coordination Framework. The Framework is coordinated by the OPM and spells out clear mandates for lead agencies anchored within existing national coordination structures. The Coordination Framework is operationalized through a costed multi-year National SDG Roadmap. The Roadmap provides a list of priority actions to create an enabling environment to deliver on the SDGs at national, sector and local level.

¹⁶ See for instance, Ministry of Trade, Industry and Cooperative, UNCTAD 2016; UGANDA READY TO ACHIEVE THE SDGS BY 2030 available at <http://www.mtic.go.ug/index.php?option=com_content&view=article&id=196:unctad-2016-uganda-ready-to-achieve-the-sdgs-by-2030&catid=10&Itemid=118>

Uganda's SDG Implementation Mechanism and Structures



Uganda has integrated the SDGs in its planning and budgeting processes. This has among others been done through the National Planning Authority (NPA) which has ensured that all frameworks are aligned with a national plan guided by the SDGs. The SDG Roadmap is to be implemented during the NDPII period (2015/16-2019/20) and consists of five thematic areas, structured in accordance with the Thematic Working Groups (TWGs) under the Coordination Framework. The areas are: i) coordination, M&E and reporting; ii) planning; iii) financing and resource mobilisation; iv) data; and v) advocacy and communication. With respect to budgeting, sector-based budgets are subjected among others to a gender and equity compliance assessment. Yet, the overall budget is supposed to be certified by the NPA for compliance with the national planning framework.

According to the OPM, 76% of the SDGs applicable to Uganda are integrated in the National Development Plan (NDP II) and the implementation of SDGs will be done through the existing structures.¹⁷ This means that Uganda's broad performance with respect to realisation of the SDGs is to be measured by the performance with regard to the objectives and goals of set by the NDP. At the sectoral level, the realisation of the NDP objectives is measured by the extent of the realisation of the objectives set by the sectoral plans which derive from the NDP. With respect to SDG 16,

¹⁷ Office of the Prime Minister, "Co-ordination Framework for the SDGs"

targets 3, 5 and 5, the relevant sector is the Justice, Law and Order Sector (JLOS), which have been tracked under SIP III and SDPIV as the report elaborates further below

Financing and resource mobilisation for the implementation of the Agenda 2030 is enshrined in the NDPII Fiscal Strategy. The Strategy emphasizes domestic revenue financing for sustainable growth. Furthermore, resources for implementation of the SDGs is mobilised through South-South cooperation, outreach to the private sector and emerging development partners.

The performance of JLOS is among others measured by the extent to which the Sector realises its objectives and goals as set by its Sector Investment Plans (SIPs) and now Sector Development Plan (SDP). The SIPs and SDPs have been guided by various themes and targets. These have been aimed at promoting rule of law and human rights; and ensuring that vulnerable persons have access to justice. This is in addition to promoting observance of human rights and accountability in the sector; empowering the users of justice services; and promoting the use of alternative dispute resolution (ADR) and the informal justice system. This Report, among others, reviews the performance of JLOS with respect to their goals, objectives and targets, and especially those related to SDG 16, targets 3, 5 and 7. It is found that the performance of the sector is a mixture of successes and challenges. The Sector has performed well in terms of strengthening the policy and legislative framework to promote the rule of law and access to justice. This is in addition to ensuring access to justice, especially for such vulnerable groups as women, children and persons with disabilities. Nonetheless, there are still challenges that need to be addressed. Physical distances to JLOS institutions and the costs of accessing these, exacerbated by corruption still constrain access to justice. Although some measures such as hotlines have been introduced to promote accountability in the sector, corruption remains a big hindrance. Commendable steps have been taken to reduce congestion of prison facilities. This though remains a challenge, arising mainly from the huge case backlogs in the judicial. This has made the majority of prisoners in the system being those in pre-trial detention.

It should be noted, however, that Government's commitment notwithstanding, awareness by the public of the SDGs remains low. This is especially the case at the community level. In a joint report, the Center for Conflict Resolution (CECORE) and the Global Partnership for Prevention of Armed Conflict (GPPAC) demonstrates the awareness at this level ranges from 12 to 22% in difference locations.¹⁸ This is unfortunately the case in spite of the critical role which communities play in the realisation of the SDGs.

¹⁸ Center for Conflict Resolution and the Global Partnership for Prevention of Armed Conflict Country Report: Progress towards peaceful, Just and inclusive societies, SDG 16+ in Uganda (June 2020), at p 17.

3

Analysis of Progress towards Implementation of SDG 16:3, 16:5 and 16:7

This Study entailed in the first place an assessment of progress made by the Government of Uganda and its partners in regard to implementation of SDG16 (16.3: 16.5 and 16.7). Secondly, the assessment was also targeted at establishing the challenges faced by the different justice institutions in tracking the aforesaid targets. This section reviews the performance of Uganda as far as SDG 16 is concerned. In its Voluntary National Review Report, Uganda indicates that its efforts towards achieving SDG 16 have centred on “consolidating the peace and safety of people and property; widening and deepening access to justice, law and order services; the development and funding of special programmes targeting gender, age, poverty and other forms of vulnerability; and tackling corruption and human rights violation”.¹⁹

As mentioned above, one of the premises for assessing the realisation of SDG 16 by JLOS is assessing the plans of the sector and the extent to which these have been realised in ways that advance targets 16.3, 16.5 and 16.7. It is also important to assess the challenges that could have affected the Sector in attaining its plans and set goals, especially those relevant to the targets above.

3.1. SDG 16, TARGET 3 AND THE JLOS SIPS AND SDP.

As seen above, SDG 16:3 is on *promotion of the rule of law at the national and international levels and ensuring equal access to justice for all*. The assessment of this goal is undertaken along three perspectives. Planning and budgeting, implementation and monitoring and evaluation.



3.1.1. Performance under SIP III

(a) Intended outcomes

At the inception of the SDGs in 2015, JLOS was in the middle of implementing the Strategic Investment Plan III (SIP III 2012-2017).²⁰ The SIP III was targeted at *promoting rule of law* and human rights and *enabling national development*. The SIP also aimed at ensuring that more people, particularly from poor and vulnerable groups have *better access to justice*, live in a safer and secure environment and that JLOS institutions are more responsive to human rights. The Plan was based on the theme of deepening reforms for a *pro-people justice system* and its vision was to ensure that people in Uganda live in a safe and just society. SIP III was targeted at achieving three outcomes

¹⁹ Voluntary National Review Report on the Implementation of The Agenda 2030 for Sustainable Development (June 2020), at p 14.

²⁰ Justice, Law and Order Sector, The Third JLOS Strategic Investment Plan (SIP III 2012/13 – 2016/17)

namely: i) Strengthened policy, legislative and regulatory framework, ii) enhanced access to JLOS Services;²¹ particularly for vulnerable persons; and iii) promotion of observance of human rights and accountability promoted. By the end of SIP III in 2016/2017, JLOS undertook to deliver to the Uganda people the following; 1) A framework conducive to JLOS operations, promoting rule of law and human rights and enabling national development; 2) Better access to justice for more people, particularly the poor and vulnerable groups; and 3) JLOS institutions that are more responsive to human rights, and are more accountable to service users and the public. It also undertook to tackle corruption as a key constraint to economic growth, employment and prosperity.

Under outcome 1, it was targeted that public confidence in the enforcement of existing laws and use of ADR mechanisms would increase by 50%. Further, it was estimated that the population with access to updated laws could increase to 45%. Gender justice, justice for children and transitional justice were highlighted as issues to prioritize in terms of data collection and analysis, upscaling and harmonizing implementation of best practices and concepts like diversion respectively. Transitional justice on the other hand was prioritized with the aim of promoting justice and accountability for past human rights violations and war crimes; and to enhance access to justice and basic services for victims in Uganda's conflict-affected areas, with emphasis on the rights of vulnerable groups (women and children). To ensure that the enforcement of laws improves, the SIP proposed several actions. These included the following: (i) simplification of laws, making updated laws available, policies and standards to internal and external users; (ii) developing policy predicating commencement of new legislation with appropriation of resources; and (iii) conducting pre-legislation and post-regulatory impact analysis on priority laws.

Under outcome II what was target was enhancing access to JLOS services, particularly, for vulnerable persons; the ratio of completed cases to registered cases was estimated to increase to 125% by 2017; and the proportion of districts with a complete chain of core JLOS Services and Institutions was estimated to have increased to 65% in 2017. The average length of stay on remand for persons accused of capital offences reduced to 12 months by 2017 and the incidence of crime for every 100,000 persons reduced to 300 by 2017. To achieve the above, the Sector planned to decentralize JLOS services, improve the empowerment of users of JLOS services, profile vulnerability, enhance the component of Transitional justice, implement the law and the legal aid policy to ensure poor person defence system.

Under outcome III, JLOS pledged several things. These included reducing human rights violations by JLOS institutions by 2015; increasing cases handled by JLOS disciplinary mechanisms; and introducing systems that measure compliance to human rights standards. JLOS further undertook to promote the respect and observance of human rights through legislation, management and dissemination of knowledge. In addition, JLOS pledged to create awareness of its institutions of their responsibility for ensuring that human rights are not abused, and of increasing understanding of what the national and international obligations mean to promotion of rule of law, access to justice and human rights. Key issues for consideration under this outcome included special measures to address gender equality; non-discrimination; and the right of such special groups as children, women and, persons living with HIV/AIDS, and persons with disabilities.

(b) Achievements with legal framework

Even before SIP III, as way back as 1999, JLOS prioritised several laws that have a bearing on realisation of the targets set by the SIP. These included the amendment of the Penal Code Act,²¹ and promulgation of several new laws. These include the Prevention of Trafficking in Person Act, 2009; the Prohibition of Female Genital Mutilation Act, 2010; and the Domestic Violence Act, 2010. These laws deal with the criminal aspects of the rule of law and access to justice. There are other enactments which promote rule of law and access to justice at both national and international levels such as, the International Criminal Court Act, 2010; and Prevention and Prohibition of Torture Act, 2012.

Under SIPIII, several key regulations and rules were enacted to enhance access to justice for the vulnerable and marginalised persons. There was also heightened implementation of previous regulations to ensure that legal services are extended to the vulnerable and marginalised. For instance, Law Council heightened supervision of Legal Aid Service Providers to ensure that they offer quality services to the people as per Advocates (Legal Aid to Indigent Persons) Regulations 2007. The Advocates (Pro bono Service to Indigent Persons) Regulations 2009 have been rolled out to ensure that legal services are availed by members of Uganda Law Society to people who need them but cannot afford the same. The implementation of the Advocates (Students) Practice Regulations has been heightened. For instance, in 2018 and 2019, up to 120 students practice certificates were issued to Bar Course Students of the Law Development Centre and they were able to represent 350 indigent persons and to coach 120 accused persons to represent themselves.

²²Under SIPIII, support was provided through Uganda Law Reform Commission (ULRC) to create awareness on gender related laws. Simplified copies of the Domestic Violence Act, the Female Genital Mutilation Act and the Prevention of Trafficking in Persons Acts were developed and disseminated.²³

Major achievements were witnessed in the area of development of rules that facilitate the use of ADR. During the implementation of SIPIII, the Judicature (Mediation) Rules 2013, Judicature (Reconciliation) Rules, 2011, the Judicature (Plea Bargain) Rules 2016 and Judicature (Small Claims Procedure) Rules were developed and launched. This was intended to support mediation at all levels of the formal justice system, reconciliation at the Chief Magistrates Court and to promote Plea Bargain. This regime of rules has enabled timely delivery of justice, moreover at low cost.

It is however acknowledged by Government that refugees face many challenges in accessing justice. That this is the case especially in remote areas with limited numbers of judicial and police officers, in some areas these are non-existent.²⁴

(c) SIP III and human rights

In relation to outcome III, by the closure of SIPIII in 2016, there was a reduction by 40% in the number of human rights violations by JLOS institutions. This was attributed to sensitization of member of the Uganda Police Force (UPF) and those of the Uganda Prison Services (UPS). Further, 90% of the prison units eliminated the bucket system.²⁵ Interactions with police leadership at the district level indicated that the HRBA is taking root in UPF. It was particularly noted that the

²¹ Penal Code Act, Cap 120 Laws of Uganda

²² Justice Law and Order Sector, Annual Performance Report 2015/2016.

²³ Ibid.

²⁴ Voluntary National Review (note 18 above), at p 69.

²⁵ Ibid.

Force is guided by human rights standards though the field officers were not aware of the Police Human Rights Policy. UPF has worked on fast tracking mechanism to enforce the 48-hour rule for holding of suspects. During delivery of suspects' food, the suspects register the phone numbers and the day they reported. If they sign for more than 48 hours then the police officers must explain why such person has spent in custody a long time.²⁶ However, police officers have given what they consider to be intervening facts in the observation of the 48-hour rule. For instance, in the case of Nakaseke, the Magistrate in charge convenes court only once (and sometimes twice a week). It has also been indicated that some cases require thorough investigations which cannot be completed in 48 hours to aid the drafting of a charge sheet. In other circumstances officers have argued that the 48-hour rule cannot be adhered to for purposes of security of the suspects. This is because normally there are threats to the lives of suspects in cases of a likelihood that they would be lynched by the community if they are granted police bond.²⁷ The community members are however very disgruntled with the work methods of the police of arresting suspects on baseless allegations and before start of investigation. This indeed appears to be one of the facts that has created dissatisfaction with services of the police on the part of the public.²⁸



3.1.2. Performance under Strategic Development Plan IV

(a) Targets of SDP IV

The SIP III was replaced with the Sector Development Plan IV (SDP IV). The areas of priority for the SDP IV include the following: widening and deepening access to services of JLOS institutions; mainstreaming national priorities and the SDGs; and tackling the growing concerns of corruption and human rights violations. The Plan runs on the theme: Empowering the People; Building Trust, and Upholding Rights. SDP IV sets out three key objectives to be attained during the four-year period. These are: i) enhancing JLOS infrastructure and access to JLOS services; ii) promoting the observance of human rights and fighting corruption; and iii) strengthening commercial justice and the environment for competitiveness.²⁹

JLOS undertook to develop and find special programs to target gender, age, poverty and other forms of vulnerability and uphold rights through system based and holistic approaches that broaden definition of justice beyond the formal justice systems. This is in addition to the use of informal justice systems to enhance access to justice particularly to the poor and vulnerable.

SDP IV seeks to consolidate promotion of the rule of law by ensuring that at least 75% of the population of the people in Uganda are satisfied with JLOS services and that public confidence in the justice system is increased from 48% in 2016 to 58% by 2020. SDP IV observes achievements from SIP III which include availability of JLOS services in more districts, and increase in public trust, awareness, and confidence in JLOS institutions. SIP III was also able to promote case disposal mechanisms such as ADR and juvenile diversion and innovations such as plea bargain and small claims.

²⁶ Interview with The Deputy OC Station of Kiwoko police station conducted on the 20th November 2019, in Nakaseke District.

²⁷ Interactions with police officers at Kiwoko police station in Nakaseke, Kaliro and Masaka emphasized the need to keep suspects beyond 48 hours if the suspect is faced with a danger of mob justice even were the allegations are baseless.

²⁸ Interviews with members of the community in Nakaseke, Kaliro and Masaka November 2019.

²⁹ The Fourth JLOS Strategic Development Plan (SDP IV 2017 – 2020), pg 10.

(b) Achievements with the legal framework

In 2018/2019 Financial Year, ten (10) critical bills that impact on JLOS service delivery including the fight against corruption, regulation of CSO's, elections, functionality of LCCs & vulnerability among others were processed. The Human Rights (Enforcement) Act, 2019 was well received as an outstanding achievement in this area. Further, the passing of the Children (Amendment) Act 2016 during the period of implementing SDP IV is also appraisable. The period also witnessed the passing of the Transitional Justice Policy,³⁰ which reflects the core objectives of the Government of ending impunity and promoting justice and reconciliation as a necessary precursor to sustainable development.

(c) Enhancing access to justice and respect for human rights

Some results have been achieved in extending justice services to the people. This has included the increased national coverage of districts with one-stop frontline JLOS service centers to 79 out of the targeted 80 by 2020. This is no doubt a significant milestone towards implementation of SDG 16.3. Field visits gathered a sense of promotion of an institutional setup and Standard Operating Procedures aimed at enhancing the rule of law and delivery of services to the people in equitable manner.³¹ The frontline officers were of the view that the aspirations of SDGs are embedded within the various policies of institutions to ensure equitable service delivery.

All JLOS frontline officers understood their mandate and how they contribute to the enhancement of rule of law and access to justice.³² Judicial officers have seen pro-activeness in the promotion of rule of law and access to justice. They issue bail to the deserving cases particularly where investigations are delayed.³³ In Masaka, the District Police leadership exercise their powers to release suspects arrested and detained on baseless allegations or who have overstayed beyond the



A police officer from Kasangombe police station addressing some of the complaints raised by people against the police and other challenges faced by police.

³⁰ Ministry of Internal Affairs National Transitional Justice Policy, June 2019, available at <https://drive.google.com/file/d/1zbqYZgRvUpDrQUTM5c_GeMsultr-B9O2/view>(accessed on 12th February 2020).

³¹ The Deputy OC Station of Kiwoko police station conducted on the 20th November 2019, in Nakaseke District.

³² All JLOS frontline officers namely the State Attorneys, Magistrates and Police Officers in Nakaseke, Kaliro and Masaka understand their mandates and how they promote access to justice and rule of law and the JLOS implementing framework but not necessary the SDGs.

³³ Interviews with His Worship Wakooii Grace, His Worship Zirada Arthur, Magistrates, Grade I, Masaka Chief Magistrates Court, November 2019.

48 hours during inspections at suspect parades.³⁴ Further, child friendly methods and in camera proceedings are used during court hearings.³⁵ in addition to capacitating duty bearers and service providers.

Internally, JLOS continues to register positive performance in the observance of human rights and fight against corruption. But this is not enough to meet set performance targets. This is the case particularly when it comes to establishment of JLOS frontline offices.

To stem human rights violations in the sector, there has been enhanced support to further the development of human rights frameworks and staff capacity building with a goal of deepening a human rights conscious culture. The sector supported the development of a Human Rights Policy which has been complemented by mainstreaming capacity building through training of police officers in human rights.

More structured training is being undertaken mainly by the Uganda Police Force (UPF) and Uganda Prison Services (UPS) officers under a JLOS scholarship for nine-month Diploma in Human Rights at the Law Development Centre. The collective focus is to enhance knowledge of fundamental human rights by JLOS Officers, and on the other hand the corresponding personal liability that is anticipated under the Prohibition and Prevention of Torture Act. This is in addition to liability under the recently enacted Human Rights Enforcement Act, 2019.

The UPS maintained a daily average of 56,424 inmates with necessities of life; meals, clothing, beddings, sanitary items and other necessities. Specifically, all the 2,547 (100%) female inmates are provided with sanitary towels and 230 children staying with their mothers in Prisons are given special nutritional and medical care for their growth and development.

During the 2018/2019 recent sector review,³⁶ it was noted that for the first time, convicted prisoners outnumbered remand prisoners. This achievement must be overemphasized in light of the fact that the Constitution provides for a maximum of six months remand for capital offenders before committal for trial.³⁷ There is however is no provision on how long one could stay on remand after such committal. There is a dire need to provide standard time frames or guidelines for remand after committal.³⁸ Human rights structures are in place at both national and sub-national levels, established to achieve maximum integration of the HRBA in public service. These include the UPF regional human rights desks, and the UPS human rights committees, among others. They are responsible for promoting observance of human rights and ensuring that HRBA and SDGs shape the context of public service. The Uganda Human Rights Commission (UHRC) provides technical support and resourcing of all the human rights mechanisms. With support from the EU, the sector undertook and completed an HRBA assessment of the SDPIV and plan are underway to implement recommendations from the assessment.

In terms of coverage, the UHRC, UPF, and UPS have physically spread around the country at regional, district, and institutional levels. The UHRC has a presence in 10 regional offices with 12 satellite/ field offices, the UPF has increased to a 100% presence to all 27 police regions, and the UPS has sustained a 100% establishment and functionality of 253 human rights committees. The UPF, UHRC and UPS human rights mechanisms conduct human rights promotion activities such

³⁴ Interview with Bosco Bakashaba DPC of Masaka police station November 2019.

³⁵ Interview with State Attorney, Kaliro District, November 2019.

³⁶ JLOS Annual Performance Report 2018/2019, page 5-6.

³⁷ Article 23(5)(c).

³⁸ Supra, see note 36.

as trainings, regular inspections, receive and handle complaints, and serve as Sector focal points for external collaborations. The UPF carried out inspections in 70 detention facilities, and UHRC inspected 913.

Besides the mainstream JLOS human rights frontline mechanisms, Sector institutions have integrated human rights focal units and desks within the service delivery structures. One of the major developments during the reporting period is the establishment of an ODPP Human Rights Unit, managed by a Senior State Attorney. This is part of the structural transformation of JLOS institutions to integrate a human rights-based approach to administration of justice. Similarly, MoJCA expanded its Human Rights Desk following a secondment of two additional State Attorneys. The UHRC retained its 'A' grade status, as conferred by the Global Alliance of National Human Rights Institutions.³⁹

The Human Rights Desk of the MOJCA supports efforts to ensure compliance with key treaty reporting obligations, oversees the approval and implementation of the NAP, and ensures that human rights issues are reflected in national legal processes. The Desk and stakeholders under the Inter-Ministerial Committee have developed final draft reports to the African Union Commission on Human and People's Rights. The state reports in respect to the Convention against Torture, the International Convention on Civil and Political Rights, and for Convention against all Forms of Discrimination against Women (CEDAW) are at semi-final level.

Compliance inspections and assessments are regularly conducted by JLOS institutions to ensure that the relevant human rights frameworks and laws are enforced. For instance, during the reporting period 2018/2019,⁴⁰ the UHRC inspected a total of 913 detention facilities that included 138 prisons, 436 police stations, 329 police posts, seven military detentions and three remand homes. One key revelation was the low compliance by police officers with the 48-hour rule.

The UPF case management system is undergoing a phased automation process. The roll-out of the Crime Records Data Management System (CRMS) was achieved in six (6) police divisions with the support of UNDP under the Rule of Law and Constitutional Democracy (RLCD) Programme. The Professional Standards Unit (PSU) and the Police Disciplinary Court have continued to hold police officers accountable for professional infractions, including human rights violations.

Other recognizable achievements realized by the sector towards the implementation and achievement of SDG 16.3 as stated in the most recent review period,⁴¹ include the following: a total of 173,200 cases were disposed of, including 56,922 backlogged cases, increasing the number of cases concluded by 5.5%; implemented special Sexual and Gender-Based Violence Court Sessions which contributed to the overall reduction of 788 backlogged SGBV cases; and appointment of twelve additional justices of the Court of Appeal and Judges of the High Court, six of who are female. The implementation of SDG 16.3 is further witnessed by improvement in initiatives such as support to self-represented litigants and court-annexed mediation in strengthening access to legal services by the Legal Aid Clinic of the Law Development Centre⁴². The sector adopted the gender strategy aimed at enhancing access to justice for women and girls. In its Voluntary National Review, Government lists as one of its achievements the fact that "[b]etween 2017/18 and 2018/19, the proportion of prisoners on remand reduced from 51.4 percent in to 47.7 percent, respectively". That "[t]he average length of stay on remand also reduced slightly from 19.5 months to 18 months during the same period".⁴³

³⁹ Ibid, page 1.

⁴⁰ Ibid, page 83.

⁴¹ Joint JLOS- Development Partners Annual Review held in November 2019 at Mestil Hotel, Nsambya.

⁴² See note 36, Pg.38-40.

⁴³ Voluntary National Review (note 20 above), at p 69.



3.1.3. Challenges experienced in the implementation of SDG 16.3.

(a) Human rights violations and disregard for rule of law

Over the years, development partners, CSOs and other independent analysts have raised concerns faulting the Government for not fully adhering to the rule of law. One of the concerns which has been expressed is that some government institutions mandated to promote and protect human rights such as UPF sometimes the ones identified as violating citizens' rights. Evidence of this can be found in various human rights reports, including those of the UHRC. For instance, the 21st Annual Report of the Commission shows that the UPF has led as a respondent in the number of complaints.⁴⁴ For instance, in 2017, 62% of the complaints were against police, at 466 cases compared to the UPS at 36 cases. The violations by the police have been in respect of cases of deprivation of the right to personal liberty (detention beyond 48 hours); violation of the freedom from torture, cruel, inhuman or degrading treatment or punishment; deprivation of property; and violation of the right to fair and speedy trial.⁴⁵

In the FY 2018/2019, a total of 1,915 cases were registered of which 961 cases were investigated to conclusion. These were forwarded to Director Human Rights and Legal Service Directorate of the UPF for review and reference to the CID or the Police Disciplinary Court. 954 cases were pending further inquiries by PSU. However, most of the operational processes are manual and open to manipulation. Unlike the UHRC's semi-automated Human Rights Information System (HURIS) and the ongoing JSC complaints handling process automation, manual systems are slow and difficult to work with. It is difficult to simultaneously analyze multiple parameters of cases and complaints handled, such as geographical information, dates, gender, antecedents, ethnicity, PWD status, age, formal education levels, and participation in continuous professional trainings among others. On several occasions there has been disproportionate use of force by members of security services in curtailing lawful exercise of the constitutionally guaranteed freedom of expression and association. There is disproportionate use of force, again by members of security services, to resolve essentially policy issues or tackle peaceful political dissent, and in some instances, to lay claim over or take possession of property by private actors. Such restrictions and actions or omissions are incompatible with the notion of a free and democratic society as enshrined in the Ugandan Constitution.⁴⁶

There have also been several cases of violation of the freedom of expression. In the recent years, Uganda has witnessed the abuse of the Uganda Communications Commission (UCC) mandate to curtail freedom of expression and media freedoms. Media houses are under a lot of political pressure from UCC to block radio talk shows by opposition politician. It is reported that at least five radio talk shows for opposition politician Dr. Kizza Besigye were stopped and several music concerts of Hon. Robert Kyagulanyi cancelled.⁴⁷ Indeed, some laws that constrain the freedom of expression in ways that appear disproportionate have been promulgated. An example here is the Computer Misuse Act promulgated in 2011.⁴⁸ The Act for instance has such vague offences as cyber harassment and offensive communication.⁴⁹

⁴⁴ Uganda Human Rights Commission, 21st Report, available at < <http://www.uhrc.ug/wp-content/uploads/2019/06/UHRC-21st-Annual-Report.pdf>> (accessed on 11th June 2020).

⁴⁵ As above, at pg 210.

⁴⁶ Observation of the Chairperson of the Justice, Law and Order Sector (JLOS) Development Partners' Group At the 24th JLOS Annual Review held in Kampala, Uganda on 12th November 2019.

⁴⁷ ULS, 'The state of the rule of law in Uganda: Third Quarterly Report, 2019. See also, Moses Kyeyune, "Parliament won't intervene in Bobi Wine saga, says Oulanyah," Daily Monitor, April 24, 2019, p.5).

⁴⁸ Act 2 of 2011.

⁴⁹ See sections 24 and 25.

With respect to the state of the rule of law, a 2019 Report by the Human Rights and Peace Centre is instructive.⁵⁰ The Report has statistics and studies about various abuses of the rule of law in Uganda despite the existence of an elaborate legal framework. Abuses include Extra judicial killings, Torture, cruel, inhuman and degrading treatment, notwithstanding the fact that Uganda acceded to the UN Convention Against Torture and has a robust legal regime prohibiting and punishing torture. Government is reluctant to sign the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Torture is largely done by security forces. Uganda continues to witness cases of illegal arrest and detention. The report elaborates on the disregard of the rule of law. Most violations recorded were due to the disregard of the rule of law and some were deliberate under the guise of protecting national security. The rule of law is being affected by political ambitions.

(b) Gender senses of justice/gender balance of service staff

Interface with members of the public in focus group discussions⁵¹ revealed that the number of police personnel vis-à-vis the population is still low. A 2015 Report shows that of the 37,197 police personnel, only 7,700 were female (17.1%).⁵² This has compromised access to justice, especially in cases of GBV that would require victims to be attended to by female officers.⁵³ For instance, the police station at Kiwoko, Nakaseke District has only three (3) officers, all male. This means that where they are arresting a woman it is done by the male officers. Although the AIP in attendance noted that they normally seek help from the women representative in the community, he noted that in some cases where the suspect is friends with the women representative they refuse to aid in their arrest. Members of the community in Kiwoko, Nakaseke district also expressed concern that there was no officer in charge of handling of GBV and matters concerning women and children. This pointed to uneven distribution of key staff within UPF operational structures which results into inappropriate services for women and children.⁵⁴ A Youth representative pointed out that girls that are arrested for various offences are sexually harassed by the investigating officers with the promise that the charges against them are dropped.⁵⁵



One of the citizens of Kasangombe in Nakaseke addressing us on the challenges faced in following up cases of SGBV that are reported to the police.

⁵⁰ HURIPEC, Hakuna Mchezo, Human Rights Report, 2019

⁵¹ Focus group discussions held on the 20th November 2019 with 30 members of community in Nakaseke, including 13 male and 17 female.

⁵² Uganda Police Force, Statistical Abstract Report, 2015, available at < file:///C:/Users/chris/Downloads/2015%20UPF%20ABSTRACT%20Final.pdf > (accessed on 12th June 2020).

⁵³ See United National Development Programme, United Nations High Commission for Refugees and Legal Aid Services Providers Network Assessment of Rule Of Law, Access to Justice and Security Needs in Refugee Settlements and Host Communities in Arua and Isingiro Districts (December 2018).

⁵⁴ Interview with members of the Community in Nakaseke District held on 20th November 2019.

⁵⁵ Ibid.

(c) Unpreparedness of the JLOS to handle PWDs

Most infrastructures of the justice system do not take care of PWDs. Apart from ramps, most justice institutions are inaccessible to PWDs. There are no sign language interpreters and detention facilities are not conducive to PWDs.⁵⁶ For instance, abuse of mentally challenged persons is rarely punished because this category of people cannot express themselves which makes it hard to prove the offences against them.⁵⁷ The High Court in Masaka has no lifts yet the court room is located in a storied building. Sign language interpreters are obtained after sending a request to Kampala.⁵⁸

(d) Urban Based nature of justice services

Justice services largely remain urban in nature and, apart from police posts, are mostly based at the district level. Members of the community, and particularly Legal Aid Service Providers (LASPs), noted that legal services are thin on the ground. For instance, in Nakaseke and Kaliro, there are no legal aid service providers in the areas yet they are needed in these locations⁵⁹ For instance, although Masaka District has Justice Centres Uganda (JSU), the stakeholders noted that they do not have enough staff to handle all the cases in the District. It was further noted that the Justice Centres are poorly facilitated. They have no means of transport to follow up cases out of Masaka town and the case load on staff is too big.⁶⁰

(e) Under-utilization of the informal justice system

Government has concentrated on the building of the formal justice structures and neglected the growth of the capacity of informal justice systems. These are closer to the people and easily accessible. Research has indicated that not only are the L.C Courts one of the most valuable sources of information for Ugandan citizens but they are also the most frequently used mechanism for dispute resolution. As such, they also enjoy comparatively high levels of user satisfaction.⁶¹ Other informal systems include traditional mechanisms as well as religious leaders. All these need to be supported and developed.

(f) Ignorance of the formal justice processes

JLOS has done enough to increase the knowledge of justice services to the users. This in turn creates dissatisfaction with the system.⁶² Recommendations of the public as emerging from the court open days remained unimplemented. Further, there is no monitoring framework to illustrate the impact of the court open days. Members of the community are illiterate and cannot read the posters at court or police. That way they still struggle with formal procedures and processes.⁶³

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Interview with His Worship Wakooii Grace, His Worship Zirada Arthur, Magistrates, Grade I, Masaka Chief Magistrates Court, November 2019.

⁵⁹ Interviews held with the members of the community in Nakaseke and Kaliro in November 2019.

⁶⁰ See note 50.

⁶¹ HiiL, Justice Needs in Uganda - Legal Problems in daily life (2016), Pg 61.

Rose Nakayi, The Role of Local Council Courts and Traditional Institutions in resolving Land Disputes in post conflict Northern Uganda 2013 Legal Vice Presidency, The World Bank, Uganda Legal and Judicial Sector Study Report, 2009.

⁶² Donald Rukare Civil Society Assessment of the JLOS Annual Performance 2015/201 621st JOINT GOU- DEVELOPMENT PARTNERS JLOS ANNUAL REVIEW OCTOBER 27 2016.

⁶³ Interviews held with the members of the community in Nakaseke and Kaliro in November 2019

(g) Issue of quantity versus quality

There is an unresolved issue of numbers of cases disposed of, particularly through the criminal sessions. This is combined with issues around the quality of justice delivered owing to the large number of cases handled during the session in limited time frame. Related to the above, the Sector continues to use the High Court Criminal Sessions for handling criminal cases. The above practice raises a lot of concerns and is difficult to justify especially in circuits with resident judges. This has led to violation of suspects rights to a speedy trial and has led to overcrowding in prisons. This affects the welfare of the prisons population and inevitably violates the rights of prisoners.⁶⁴ The situation with case backlog, pre-trial detention (55%) and prison congestion (occupancy at 293%) not offends the cardinal principle that "justice delayed is justice denied". It also raises serious human rights concerns. It is common during adjournments to hear that "investigations are still ongoing" while the suspect is incarcerated on remand.

Similarly, the resolution of land disputes which take on average 45 months to dispose, severely affecting livelihoods during this time and often resulting in violent land conflicts due to uncertainty and frustration with the delays.⁶⁵ Victim participation in the plea-bargaining process remains wanting, thus creating an obligation on the Sector to strengthen the plea bargaining initiative to be implemented in a victim centered and gender sensitive manner to make it a valuable tool in enhancing women's access to justice.

JLOS institutions particularly courts of law and Police continue to be riddled with lack of customer-care for the people they service, ranging from lack of information, delayed responses, poorly equipped frontline officers and lack of communication skills.⁶⁶

(h) Stalling of some laws and policies

On a sad note, there are crucial laws that would enhance access to justice which have stalled. This includes for instance the Legal Aid Bill (and policy) and the Witness Protection Bill. The Administration of Justice Bill has only been passed in April 2020 and assented to in June 2020. The former laws have stalled for over (ten) 10 years, yet they are critical to access to justice and rule of law. Failure to pass the above bills negates government's commitment to promote the rule of law, peace and security as well as enhanced access to justice.⁶⁷

(i) Delay in delivering judgments in constitutional cases

There is growing concern of delays in delivering judgments in constitutional petitions that challenge abuse of rights and political freedoms. For instance, following the raid of the High Court, a private prosecution was instituted by the Uganda Law Society and the DPP took over the case which ended up being dismissed for want of prosecution. The ULS then petitioned the Constitutional Court on the powers of the DPP to take over a case instituted by private. This matter has been pending for 8 years.⁶⁸ In 2013, the Human Rights Network (HURINET) and 4 others filed a constitutional petition challenging the legality of section 8 of the Public Order Management Act which restricts a person's ability to hold public meetings, assemblies and processions. The Judgment was delivered seven (7) years later in 2020.

⁶⁴ Interviews held with the members of the community in Nakaseke and Kaliro in November 2019

⁶⁵ See note 34, page 120.

⁶⁶ Observations of Joint Assessment of the Justice, Law and Order Sector Development Partners Group (JLOS DPG) 27 October 2016

⁶⁷ Observations of the Development Partners at Joint JLOS- Development Partners Annual Review held in November 2019 at Mestil Hotel, Nsambya.

⁶⁸ ULS, The state of the rule of law in Uganda: First Quarterly Report, 2017.

3.2. ASSESSMENT OF THE IMPLEMENTATION SDG 16, TARGET 5.

As indicated above, *Target 16.5 focuses on substantial reduction in corruption and bribery in all their forms*. The discussion in this section is limited to corruption in relation to access to justice. Uganda has developed legislation and has an elaborative legal framework to combat corruption. The laws include the Anti-Corruption Act, 2009 (as amended); the Whistle Blowers Protection Act 2010; the Inspectorate of Government Act 2002; and Leadership Code Act 2002 (as amended).⁶⁹ The relevant actors include the Anti-Corruption Court, Inspectorate of Government, Uganda Police, State House and Civil Society Organisations.⁷⁰

In spite of the above, corruption remains one of the biggest challenges in JLOS, and one which constrains access to justice.⁷¹ Government itself acknowledges the existence of corruption. That in 2016, “16 percent of people (13 percent women, 21 percent men) reported that they had paid or were asked to pay a bribe by a public official”.⁷²

In a 2018 Report, LASPNET describes the forms corruption in JLOS has taken.

Both external and internal reviews, including those by Government, show that JLOS is the most corrupt sector in Uganda. Outstanding in this sector are two institutions, Police and Judiciary. The two keep swapping positions as “the most corrupt”. In this respect, corruption in JLOS has been described as the most frequent form of abuse of power for personal gain described as the most frequent form of abuse of power for personal gain.⁸¹ In the Report by the Institute for International Security, corruption is described to take the shape of bribery in the form of exchange of cash to influence outcomes of processes. That while in many cases, citizens are asked to pay for things that should (under the law) be free. Corruption is also used in a more predatory way—to induce officials to act illegally. In this regard, it is indicated that for instance, a judicial officer might be bribed to make a particular decision and a police officer may arrest someone on fabricated charges. Another form of corruption is favouritism, which for instance entails promotions based on one’s connections rather than competence. This is in addition to absenteeism, such as when Magistrates paid as full-time civil servants attend to their stations on a part-time basis; and political interference, which takes the form of those with political power influencing outcomes of cases. Absenteeism of Magistrates is not unique to this section of civil servants. It is a general problem in the civil service.

Legal Aid Service Providers Network, Access to Justice Needs for Youth in Uganda: Vulnerability, Poverty and Corruption Hindrance, 2018, at pp 26 – 27.

Plugging legislative gaps and strengthening enforcement has been the sector’s focus. This has been done with the aim of building a culture of accountability. Progressive efforts to strengthen anti-corruption legislation and enforcement have been sustained through inter-sectoral cooperation and capacity building.

⁶⁹ The Fourth JLOS Strategic Development Plan (SDP IV 2017 – 2020), page 24.

⁷⁰ See LASPNET, Assessment Report on Implementation of the JLOS Anti-Corruption Strategy 2012, April 2019, page 3; The JLOS Annual report 2018/2019, page 99.

⁷¹ Legal Aid Service Providers Network Access to Justice Needs for Youth in Uganda: Vulnerability, Poverty and Corruption Hindrance (2018), available at <<http://www.laspnet.org/joomla-pages/reports/access-to-justice-report/511-access-to-justice-needs-for-youths-in-uganda/file>> (accessed on 13th June 2020).

⁷² Voluntary National Review Report, (note 18 above), at p 70.



3.2.1. Performance under SIP III

JLOS in its SIP III acknowledged that corruption was a key constraint to economic growth, employment and prosperity. It is on the basis of this that the Sector pledged to promote transparency, accountability to stakeholders and excellence in implementation processes and outputs. Indeed, these were indicated as some of the values of SIP III.⁷³

Under SIP III outcome 3, on observance of Human Rights and Accountability, the proportion of completed to registered corruption cases was estimated to be at 150% by 2017. The Sector planned to adopt and implement anti-corruption measures. These included investigating, prosecuting and adjudicating corruption related cases, both internal and external to JLOS. This was in addition to supporting to evaluate and roll out the Anti-Corruption Division of the High Court; and explore and exploit linkages to the accountability sector. The sector further planned to promote identified practices of prosecution led investigations, capacity development of JLOS Anti-corruption actors, support internal administrative mechanisms to locate, identify and punish corrupt activities, develop a data-base and make public proven cases of corruption, this was in addition to following up action by JLOS institutions. All the above would be undertaken through the implementation of the JLOS Anti-Corruption Strategy.

The Sector adopted the Anti-Corruption Strategy, 2012. The Strategy was aimed at reducing corruption within the Sector institutions, as well as enhancing the entire accountability system in Uganda. The Strategy targeted both staff and systems of the sector institutions. This is in addition to creating awareness about laws and services and the access to justice mechanism to curb corruption. Following this, 8 JLOS institutions have mechanisms to discipline errant officials and curb corruption, coached into codes and actual units which enforce the code.⁷⁴

The Judiciary has a Judicial Code of Conduct, the Judicial Integrity Committee, Peer review committees at all levels and the Inspectorate of courts to handle complaints and evaluate performance. The Judicial Service Commission (JSC) has a complaints management systems and disciplinary Committee which disciplines errant judicial officers. The commission has also developed an Anti-corruption work plan. The Uganda Police Force has a code of conduct, disciplinary mechanisms such as naming and shaming and the Professional Standards Unit. The Law Council, a department of the Ministry of Justice and Constitutional Affairs, is in charge of disciplining lawyers and ensuring that legal services are delivered professionally. The Ministry of Internal Affairs has complaint boxes and desks, quality systems management and inspections. The Office of the Directorate of Public Prosecution (ODPP) has complaints desks and relies on inspections to ensure quality and standards. Uganda Prisons Service (UPS) has disciplinary procedures and inspections.⁷⁵

The capacity of Law Council to regulate legal services provided to the public by private lawyers and legal aid service providers has been strengthened in the area of staff training and development of a computerized complaint tracking system supported by the Democratic Governance Facility (DGF).⁷⁶ This translates into checks on abuse of professional conduct and ensure quality legal service to the population.

⁷³ Third JLOS Strategic Investment Plan (SIP III 2012/13 – 2016/17), pg 18

⁷⁴ The Justice Law and Order Sector Anti-Corruption Manual, 2019.

⁷⁵ Ibid.

⁷⁶ The Justice Law and Order Sector Annual report 2015/2016.



3.2.2. Achievements under SDP IV

Under SDPIV, strategic objective (ii) is aimed at promoting the observance of human rights and fighting corruption, which makes fighting corruption one of the key priorities of SDPIV.⁷⁷ The major results under SDP IV to achieve include improving the corruption perception index from 0.25 to 0.30.⁷⁸ This is illustrative of the implementation and tracking of SGD 16.5 in as far as justice delivery is concerned. Beyond fight against corruption with the aim of improving access to justice service, is the nurturing of a system of holding those guilty of corruption accountable.

JLOS has continued to support internal and external institutional accountability systems established to implement anti-corruption plans and track progress. In the last reporting period 2018/2019, the JSC disposed of 211 complaints, including some of the 115 new complaints registered into the system during the financial year, leading to a 183% clearance rate. The JSC system was also able to disaggregate the complaints according to the regions as follows: 45 complaints were received from upcountry while 70 were from the Commission Head Office.⁷⁹

The Professional Standards Unit (PSU) of the Uganda Police Force recorded 1,915 complaints related to professional misconduct by police officers in financial year 2018/2019. Of these, 50.2% (961 cases) were duly investigated and 49.8% (954 Cases) pending inquiries. UPF has continued to track the origins of the complaints. Currently, majority of the complaints (54%) were received from the Kampala Metropolitan areas, with 1,036 complaints and 46% (879 cases) were from other police regions.⁸⁰ The UPF is now leveraging on technology to detect and curb corrupt tendencies. The Force has installed 2,547 cameras in 1,038 sites. In the same reporting period, 142 cases were received by the PSU on corruption allegations, 63.4% of which were investigated and forwarded for management action. UPF now has a standby court at Headquarters and territorial unit courts to handle errant officers. The UPF also arrested 800 traffic officers who were caught on videos taking bribes, 30 of whom have appeared before the disciplinary court and have taken plea.

The Law Council registered a complaint clearance rate of 86.3% (196 complaints), of which 150 were backlog complaints achieved through increasing the number of sittings to four times a month.

The adjudication of corruption cases has improved. Successful prosecution of corruption cases is happening in the Anti-Corruption Division of the High Court, leading to an increased number of convictions. In the last annual reporting period 2018/2019, the Anti-Corruption Division registered a 108.3% case clearance rate, against its planned target of 97.1%.⁸¹ The rate of conviction was reported at 74%.⁸²

The Sector continues to implement the legal framework, particularly the Prevention of Corruption Act and the Whistle Blowers Protection Act 2010. It has also worked on several policy frameworks to strength the fight against corruption within the Sector. The sector produced an Anti-Corruption Manual that contains the framework to curb corruption. This includes the JLOS Anti-Corruption Strategy, the National ethical Value Policy, the Code of Conduct & Ethics for Uganda Public Service, JLOS Complaints Directory, and the JLOS Joint Inspection Manual and Checklist.⁸³

⁷⁷ The Forth Sector Strategic Development Plan 2017- 2020, pg. 18.

⁷⁸ Ibid, pg 36.

⁷⁹ JLOS Annual Performance Report 2018/2019, pg 96.

⁸⁰ Ibid, pg 97.

⁸¹ JLOS Annual Performance Report 2018/2019, pg 92.

⁸² Ibid, pg 95

⁸³ As above, note 72, at p 98.

The Sector in its fight against corruption has changed strategy from reactionary measures of handling of complaints and cases to more prevention mechanisms. Thus, JLOS is targeting strengthening JLOS public service delivery systems to minimize the opportunity for corruption which thrive on institutional inefficiencies. Automation of processes which eliminates the use of people is one of the strategies JLOS is implementing starting with the Judiciary. JLOS is playing a key role in the implementation of the Uganda Zero Tolerance for Corruption Policy 2018 through prosecution of culprits. The lead time for investigation of anti-corruption cases has improved to 80 working days, while the anti-corruption division of the High Court concludes cases at an average of 55 days.

With support from Strengthening Uganda's Anti-Corruption and Accountability Regime (SUGAR), the Sector is working on strengthening asset recovery capacity for the UPF, ODPP, and ACD. For the financial year 2018/2019, a total of UGX 180,540,758 was collected by the ODPP against the total value of compensation orders issued worth UGX.17,711,651,258, on behalf of the government.⁸⁴ UGX 36,000,000 was collected against UGX 1,038,131,384 on behalf of private institutions, accounting for 4.5% recovery of proceeds of corruption against the set target of 10%.

Under SDP IV, JLOS institutions have continued to adopt the JLOS Anti-Corruption Strategy. The UPF developed and launched its Anti-Corruption Strategy and has disseminated it to 12 regions. The Judiciary, ODPP, ULRC, and the UHRC have also developed anti-corruption strategies. In the last financial year, the Sector conducted its fourth JLOS Integrity Committee (JLOSIC) national tour to 8 regions of the country to assess the levels of adherence to ethical and integrity standards, quality of service delivery. This was in addition to assessing implementation of the JLOS Anti-Corruption Strategy. The sector has strategically co-opted the participation of the public and civil society in the fight against corruption, including CSOs such as LASPNET, Anti-Corruption Coalition Uganda (ACCU), and Action-Aid.

Sensitisation of the public on how to lodge complaints has been another strategy adopted by the sector. Through JSC, 13 sensitisation workshops on the public complaints system in 9 districts have been conducted. JLOS is also using IEC materials to enlighten the public on how to lodge and handle complaints. The ODPP developed, printed and distributed 5000 copies of IEC materials detailing its complaint handling mechanisms. The Judiciary and URSB now have call centres. The Uganda Registration Services Bureau (URSB) has an established toll-free number 0800 100 006 and WhatsApp number 0712 448 448, while the Judiciary call centre toll-free number is 0800111900. Social media platforms have also enhanced information flow between the public and JLOS institutions.

Capacity development of staff is another strategy adopted by JLOS to ensure knowledge, expertise, and professionalism in anti-corruption. Assessments to review and strengthen internal institutional anti-corruption controls have been undertaken through the help of consultancy services. A scholarship program has been initiated by the sector to train police investigators and prosecutors.

⁸⁴ As above, note 72, at p 95.



3.2.3. Challenges in implementation of SDG 16.5

(a) Prevalence of corruption practices

Challenges of corruption in government related service delivery has over the years remained widespread across sectors despite the all the interventions above.⁸⁵ It is therefore unsurprising that the Study on "Justice Needs in Uganda (2016)" found that many people, especially the poor, firmly believed that Ugandan Courts are biased against the poor and marginalised.⁸⁶ According to the breakdown of the SDP IV Development Cost by Outcome, only UGX 40Bn was allocated to fighting corruption among JLOS institutions out of a total budget of UGX 1.4Tn.⁸⁷ This represents only 2.8% being allocated to this key challenge, thereby undermining the effectiveness of efforts to combat corruption.

There are several limitations that have been identified by JLOS in the anti-corruption institutional set ups. These include the transfer of assets by suspects, which makes the tracing process expensive, complicated and protracted. Other such practices include buying unregistered land or registration of assets in the names of third parties, which makes it hard to link the asset to the person being investigated. Other challenges include protracted appeals against final court decisions and counter-orders from civil courts stopping investigations and asset recovery. Indeed, the ACD relies on the Executions Division of the High Court to execute judgments for recovery of assets. Thus, orders of the ACD continue to be queued resulting to delays in execution of compensation orders. Also, investigators lack adequate skills in asset tracing, and there is lack of logistics to facilitate the recovery unit.⁸⁸

In conclusion, an interaction with users of justice services cited above indicate that corruption has become a way of life in the community and the justice system, despite the numerous efforts made by the sector to curb the vice. Although JLOS prides itself in reducing corruption, SDP IV acknowledges that corruption related cases have been on a steady increase.⁸⁹ SDP IV acknowledges that corruption and lack of transparency contribute to the gaps in access to justice and the limited trust in JLOS institutions. But this acknowledgment runs counter to the earlier assertion that public trust in JLOS institutions has increased.

The major challenge facing all efforts to attain access to justice is the high levels of real and perceived corruption within JLOS,⁹⁰ especially the Judiciary and the Police. According to the IGG,⁹¹ the Judiciary is perceived as one of the most corrupt institutions in the country. According to a study carried out between 2015 and 2016, Uganda is the only country where four forms of corruption, namely, bribery, undue influence, extortion and misuse of funds were perceived to be very high.⁹² In addition, bribery was considered the most prevalent in countries like Uganda where the rule of law is considered to be weak.⁹³ To illustrate this, the study came up with the following statistics. On adherence to the rule of law, Uganda ranked 95 out of 102 countries, and on the incidence of bribery in the judicial system, Uganda had 87% level of reported bribery among others.

⁸⁵ JLOS Annual Performance Report 2018/2019, pages 20, 77 and 95; Speech by H.E Kristian Schmidt, EU Head of Delegation and Chairperson of the Justice, Law and Order Development Partners' Group, 21st Annual Review of the Justice Law and Order Sector - 27 October 2016.

⁸⁶ HiiL, Justice Needs in Uganda - Legal Problems in daily life (2016), page 155.

⁸⁷ The Fourth JLOS Strategic Development Plan (SDP IV 2017 – 2020), page 58.

⁸⁸ Supra note 72, Pg 96.

⁸⁹ SDP IV, Page 30.

⁹⁰ National Planning Authority, "The Human Rights Based Approach Planning Tool for Sectors and Local Governments" 2016; see also National Planning Authority, "Second National Development Plan (NDP II) 2015/16 – 2019/2020"

⁹¹ Irene MulyagonjaKakooza, "Combating Real and Perceived Corruption in the Uganda Judiciary" available at www.judiciary.go.ug

⁹² The International Bar Association Judicial Integrity Initiative: Judicial Systems and Corruption, May 2016, at p 27.

⁹³ Ibid, pp 6 & 20.

(b) Institutional weaknesses and under-funding

There has been insufficient allocation of resources for institutional operations at the districts. This was instigated by perceived or real corruption. During an interaction with CSOs and members of the public in the 3 selected districts, the respondents alluded to police asking the complainants money for fuel to go and arrest suspects.⁹⁴ There were also instances of the police asking for money from accused persons to buy paper in order to execute police bond.⁹⁵ In essence, members of the public have to pay money to access to government services that are meant to be free. Other incidences of perceived corruption cited by members of the community include police asking the complainants for money to have the victim and suspect in defilement cases examined by the doctor. The parties to a case are usually asked to pay money to have a suspect transferred to another police station⁹⁶. Also, there are masqueraders who extort money from vulnerable people at court. It is indicated that these persons pretend to be either lawyers or friends of the judicial officers who are handling cases and make false promises so as to extort monies from the ignorant members of the community.⁹⁷

Members of the community also spoke to actual incidences of corruption amongst the JLOS staff. For instance, members of the community felt the police officers act corruptly when they refuse to promote reconciliation even where parties are willing to reconcile.⁹⁸ Other incidences as told by members of the community include police stopping Community Based Organisations (CBOs) from going to police stations because they enlightened suspects about their rights. This is in addition to asking for money in cases of abortion and defilement and charging money for production warrants. Amounts asked depended on the nature of the offence. Cases of corruption were also cited among court staff. An example was given of an 80-year-old woman from whom judiciary staff took UGX: 200,000/= in return to solve her land problem but she was never helped.⁹⁹

(c) Complete loss of confidence in the justice system

Users of justice services do not believe they can get free services from justice institutions. Hence, members of the public have been at the fore-front of offering bribes to the police and ODPP even before they seek help.¹⁰⁰ The community is now at the fore of inducing corruption by expressing their willingness to offer bribe to service officer particularly when it comes to securing police bond. Corruption has evolved from the historical soliciting of money by government officers to being fueled by the community. Even when one has a strong case, they do not trust the justice system to work for them.¹⁰¹ Despite this, the sector has few interventions to fight corrupt tendencies by users of the justice system. The loss of confidence could also be connected to ignorance of the law and legal procedures. Access to legal and rights information is still a challenge, with low levels of legal and rights awareness among the population served by JLOS institutions. Procedures of access and mechanisms to obtain redress have remained largely unknown to users. All the members of the community that were interviewed did not know how to lodge a complaint against errant officers.¹⁰²

⁹⁴ Interview held with CSO and members of the community in Nakaseke, Kaliro and Masaka, November 2019.

⁹⁵ Interview held with members of the community in Kaliro, November 2019.

⁹⁶ Ibid.

⁹⁷ Interviews with His Worship Wakooii Grace, Masaka Chief Magistrates Court, November 2019.

⁹⁸ Ibid.

⁹⁹ Interview held with H/W Egessa Wilberforce Magistrate Grade I in charge of Kaliro Magistrates Court, November 2019.

¹⁰⁰ Interview held with the RSA, DPC and Magistrates Grade I in Masaka, November 2019.

¹⁰¹ Ibid.

¹⁰² Interviews held with members of the community in Nakaseke, Kaliro and Masaka, November 2019.

(d) Welfare of officers

The frontline officers within the justice system are poorly paid. This has the potential to motivate people to take bribes. In the recent past, Government has heeded to the plea to increase the salaries of judicial officers. While this is progressive, other JLOS actors, including state attorneys and the police officers have not had their salaries reviewed. The battle against corruption is less likely to succeed if many officers on the frontline of service delivery remain poorly paid.

3.3. ASSESSMENT OF THE IMPLEMENTATION SDG 16, TARGET 7

As indicated above, *target 16.7 calls for ensuring responsive, inclusive, and participatory and representative decision-making at all levels.* This Target is also reviewed in light of its relationship with and nexus to access to justice. JLOS SIPIII aimed at **Participation, empowerment and ownership and deepening and strengthening de-concentration** in line with the overarching policy of moving political and governance structures nearer to the people as key values. This was in addition to **Growth and equity in service provision** targeted at removing the gender, age, social and geographical disparities in the distribution of benefits from JLOS SIP III investments.¹⁰³

The SIP III was conceived and developed through an extensive participatory and consultative process amongst JLOS stakeholders and partners at national and regional levels. Also involved were non-governmental organizations, private sector, development partners and special groups including children and prisoners.¹⁰⁴ It was envisaged that the consultative process will continue through the annual reviews aimed at enhancing both vertical and downward accountability for sector results.¹⁰⁵ The Sector also committed to developing guidelines and innovative pilots that promote working with non-state actors. The actors envisaged here included the private sector, NGOs, Faith-Based Organisations (FBOs) and local communities. In addition, the Sector pledged to build mechanisms that encourage public participation in the administration of justice as well as enforcement of law and order.¹⁰⁶



3.3.1. Performance under SIP III

To a certain extent, progress was made under SIP III to promote responsive, inclusive, participatory and representative decision making at all levels provides. Among others, some laws that promote this were adopted. Some of these were aimed at giving voice to the minority and marginalised groups such as persons with disabilities and children. Examples of laws promulgated in this regard include the following: The Persons with Disabilities Act, 2019; the Children Act Cap 59 (as amended in 2016); and the National Council of Old Persons Act, 2012.

The Sector created a decentralised institutional framework that promotes participation in JLOS services at the lower levels of Government. At the district level, the Sector created the JLOS District Chain Linked Committees (DCCs and RCCs). The DCCs are structures that bring together various actors and stakeholders involved in and affected by JLOS services at the district level. The DCCs co-opted participation of CSOs and CBOs at the district level. The mandate of the DCCs is wide and includes activities which promote participation and inclusion. For instance, the DCCs are required to undertake civic, public education and outreach programmes.¹⁰⁷ This is in addition to creating

¹⁰³ The Third JLOS Strategic Investment Plan 2011/12- 2016/17, Pg 18.

¹⁰⁴ Ibid, Pg ix.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid, Pg xii.

¹⁰⁷ See JLOS District Chain Linked Committee Guidelines, 2010.

an open and safe environment in which it is possible to discuss each other's performance, strength and weaknesses; and organizing JLOS open days in the areas of their jurisdiction.¹⁰⁸

There are also thematic working groups at the national level. These are civil, criminal, family, human rights, transitional justice working groups. The groups have co-opted CSOs to participate in their meetings and in the implementation of their workplans. Through the CSOs, the Sector has captured the voices of the members of the Ugandan society and the vulnerable and marginalised groups as these groups represent a cross-section of people, including the vulnerable and marginalised.

SIP III put in place management structures at the sub-national and national level and envisaged participation of CSOs and the public depending on the value addition.¹⁰⁹ The structures at national level included Leadership Committee, Steering Committee, Technical Committee and thematic working group and Regional Coordinated Committees (RCC) and the District Chain-Linked Committees (DCC) at the sub national. All this was aimed at ensuring that JLOS planning and implementation process is participatory, inclusive and is representative of the minority voices. Upwards, the DCCs are supported by Regional Chain Linked Committees (RCCs), which bring together districts in the same region.

Participation and inclusiveness have further been witnessed at the JLOS Government and Development Partner Annual Performance review. Here, CSOs are co-opted to provide a shadow report and critic JLOS performance. The co-optation of CSOs representing a cross-section of members of society has been an effective way of inclusiveness and ensuring participation. The Annual Reviews are intended to assess the performance of the Sector on annual basis and is conducted in a participatory manner involving various stakeholders and actors.¹¹⁰

The sector initiated the Justice for Children (J4C) Program to facilitate the mainstreaming of child related issues in the planning and implementation framework of the sector. This was in addition to increasing outcomes for children interfacing with the formal justice system. The J4C was initiated with the support of UNICEF and initially implemented by the Centre for Justice Studies and Innovations (CJSI) and has now been mainstreamed into the JLOS Secretariat with the steering committee having representation of key JLOS institutions and CSOs. It is indicated that J4C is aimed at strengthening the overall sector's capacity to respond to the needs of children in the justice system.¹¹¹ J4C has structures that promote the participation in the programme of various stakeholders including children.



3.3.2. Performance under SDP IV

The JLOS SDPIV was equally developed through a consultative process beyond the JLOS to include its stakeholders and partners, which process included the evaluation of SIP III. The implementation of JLOS SDP envisaged the inclusion of the 18 institutions that comprise the Sector, along with development partners and Non-State partners and retained the existing management structures under SIPIII to deliver SDP IV results.¹¹² Key JLOS partners envisaged included Non-Governmental Organisations, academia, traditional institutions and faith based organizations, private sector groups, statutory bodies and parastatals and other players deriving or rendering value from the Justice, Law and Order system. The engagement of partners was to be hinged on well-developed strategies in areas of mutual interest.¹¹³

¹⁰⁸ JLOS Annual Report 2018/2019 Annual, Pg 13

¹⁰⁹ The Third JLOS Strategic Investment Plan 2011/12- 2016/17, Pg 45.

¹¹⁰ See for Instance JLOS Annual Report 2017/18, available at <<https://jlos.go.ug/index.php/document-centre/performance-reports/annual/418-annual-performance-report-2017-2018/file>> (accessed on 14th June 2020).

¹¹¹ See JLOS, Justice for Children (J4C) at <<https://www.jlos.go.ug/index.php/about-jlos/projects/justice-for-children>> (accessed on 14th June 2020).

¹¹² The Fourth Sector Development Plan, 2017- 2020. Pg 9.

¹¹³ Ibid, p 16.

The SDP IV carried forward the values of *Participation, empowerment and ownership, Growth and equity in service provision to eliminate the gender, age, social and geographical disparities; Deepening and strengthening de-concentration, Transparency in the partnership; Accountability to stakeholders; and Excellence in implementation processes and outputs.*¹¹⁴

The interventions have mainly been undertaken through capacity building and gender and equity mainstreaming in budgeting and implementation. Consequently, the JLOS score by the EOC on gender and equity budgeting improved from 64% to 70%.¹¹⁵ The sector has increased the support towards use of scientific evidence in SGBV cases and as a result the conviction rate rose to 57.1% from 56.1% The introduction of gender desks within JLOS institutions is at 66%.¹¹⁶

The sector has developed and adopted a Gender strategy to guide the mainstreaming of gender issues in the sector framework.¹¹⁷ This state of affairs points to the steps being taken to achieve target 7 of SDG 16 which focuses on the inclusiveness and participatory nature of decision making.

There is also progress made in prioritizing justice needs of vulnerable groups including refugees. Some of the vulnerable groups that have been identified and prioritized by the sector include internally displaced persons (IDPs), refugees, persons with disabilities and children. Among the interventions implemented in 2018/2019 are, Special Court Sessions for children and women, awareness raising and capacity enhancement on justice needs of the vulnerable has been undertaken by the sector, law revision and reform and infrastructure customization for persons with disabilities.

The Judiciary piloted special SGBV sessions to fast track disposal of SGBV cases in 14 courts. As a result, the courts disposed of 788 cases against the target of 650 cases. The sessions were targeted at improving the experience of survivors/victims of SGBV as they interface with the criminal justice system. This was by emphasis on victim centred and gender-sensitive approach and promotion of a coordinated and integrated approach among the role-players in the chain of justice. Also aimed at was strengthening of the investigation, prosecution and adjudication functions in the management of sexual offences. Over 200 justice sector and civil society actors have been trained on the management of SGBV cases and equipped with the requisite knowledge, information, skills and expertise to handle expeditiously cases of GBV.

Refugees are another group of vulnerable groups that the sector offered to protect during the implementation of the SDP IV. Interventions undertaken by sector institutions include the Uganda Law Reform Commission (ULRC) preliminary consultations within Kampala district to review the Refugees Act, 2006. This was done with the aim of aligning refugee operations in the country to international and regional practices. ULS trained 125 staff in the areas of human rights, the Refugee Act and ADR to enhance their capacity to respond to refugee issues and fast track interventions for Refugees. In 2018, LASPNET with the support of the United Nations Refugee Agency and the United Nations Development Programme conducted a comprehensive assessment of the rule of law, access to justice and security needs of refugees.¹¹⁸ The Report is instructive in assessing the rule of law, access to justice and security challenges refugees face. A number of recommendations are made which if implemented would go a long way in addressing the access to justice needs of this community.

¹¹⁴ Ibid p 35.

¹¹⁵ EOC Report on Budget 2019.

¹¹⁶ JLOS Annual Performance Report, 2018/19, p 65.

¹¹⁷ Ibid

¹¹⁸ Legal Aid Service Providers Network, United Nations Refugee Agency and United Nations Development Programme Assessment of Rule of Law, Access to Justice And Security Needs In Refugee Settlements and Host Communities In Arua and Isingiro Districts (December 2018).

UHRC monitored the rights of refugees in the districts of Arua, Koboko, Yumbe, Moyo, Adjumani, Kiryadongo, Lamwo, Isingiro, Kabarole, Kyegegwa and Kisoro with a view of assessing the general human rights situation, conditions, the quality of services offered and specifically ascertaining their relationship with the host communities as well as making recommendations to parliament.

In an effort to enhance the informal justice system, JLOS, has funded a number of outreach programs to promote ADR mechanisms. This has aided access to justice for even the marginalized groups. These include legal aid service projects like Justice Centres Uganda, the Legal Aid Clinic of the Law Development Centre, Uganda Law Society Legal Aid project among others. These empower communities in various districts of the country to hold their leaders accountable and claim their right to access to justice.



3.3.3. Challenges in implementation of SDG 16.7

(a) Guidelines for participation

Although JLOS SIP III and SDP IV speak to extensive participation of both JLOS and other stakeholders, it is noted that there are no clear guidelines for consultation and participation in terms of who should be consulted and for what. It is important that there are guidelines for inclusive participation clearly highlighting the categories of people to participate in processes. The guidelines should be well targeted to the vulnerable and marginalized and should illustrate consistency in participation and inclusiveness which is not the case here. Without clear and well-defined mechanism for engaging partners, their role can easily and conveniently be dispensed. Secondly, participation may also be sought just to validate processes and for convenience.

(b) Methodology of participation and inclusiveness

Related to the above is the issue of lack of a detailed methodology of how the sector conducted consultations of the various stakeholders to ensure inclusiveness and participation. Both SIP III and SDP IV simply mention that there was wide and extensive consultation. Amid absence of a clear methodology to illustrate the participation of the public during the development of the SIP and SDP, the concept of participation remains elusive. It also remains cosmetic and a matter of convenience instead of inclusivity. Interaction with field staff indicated that they simply send a workplan to their supervisors who then revert with an allocation of funds to activities deemed important or captured in the national budget.¹¹⁹ As such, field officers for instance had no money for sign language interpreters and other PWDs related services. It was clear that no budgeting happens at the sub national level although requirements are submitted to the regional and national level.

As a matter of fact, participation at the community level is not as well developed as it is at the strategic level. Indeed, reports indicate that as much as there are structures for participation built within the local government system, these have not been used meaningfully.¹²⁰ The processes at this level have not been facilitated adequately. Moreover, they are implemented in a perfunctory manner, many times to validate what has already been decided at top levels of leadership, thereby negating the bottom-top approach to planning. It is also true that lack of awareness of the SDGs

¹¹⁹ Interviews held with the police officers in Nakaseke District and Magistrates Grade I in Masaka, November 2019.

¹²⁰ See, Council for African Policy Inclusive and Participatory Decision-Making in Local Government for the Realisation of Health and Education Services: A Case for Participatory Budgeting in Ngora, Soroti and Bukedea in Eastern Uganda (September 2013) [Unpublished]. See also, Initiative for Social and Economic Rights Citizen Participation in Local Government Service Delivery Processes in Uganda (June 2018), available at < https://www.iser-uganda.org/images/Citizen_Participation_in_Local_Government_Service_Delivery_Processes_in_Uganda.pdf > (accessed on 30th July 2018).

at the local levels denies focus of processes on the SDGs and their targets. Again, SDGs awareness is mainly at the strategic level.¹²¹

(c) Poor facilitation towards the planning function

There is a wide gap between budget priorities per NDP and what is on ground.¹²² Budgets come with set priorities that ought to be conformed to.¹²³ Planning is now just a ritual since officials just copy and paste from old plans, it is not participatory. Field interaction also indicated that the ideal planning and participatory process illustrated under the NPD II entailing communities participation through analysis of their problems and need which are later shared with their parish, the parish sends to sub-parish which organizes a budget conference, sub counties send requirements to districts to feed into conference at district level with other stake holders like CSOs. However, this is not the factual situation due to lack of funds.¹²⁴ Mobilization for budget conferences is poor and most people are not aware of them.¹²⁵

¹²¹ See Report: Progress towards peaceful, Just and inclusive societies, SDG 16+ in Uganda (note 19 above), at p 18.

¹²² Interview held with Mr. John Segujja, the Executive Director of Community Development & Child Welfare Initiative (CODI) in Nakaseke, November 2019.

¹²³ Ibid.

¹²⁴ John Segujja, note 117 above.

¹²⁵ Interview with the community members in Kaliro District, November 2019.

4

Conclusion & Recommendations

This Study was designed to track the status of the implementation of SDG 16 in Uganda, with focus on targets 3, 5 and 7. The Study was intended to establish what the Government is doing in terms of fulfilling its international obligation towards implementing SDG 16. ***SDG requires states to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*** The findings are intended to inform policy reforms and interventions by Government and other actors to promote access to justice and rule of law consistent with SDG 16. To ensure that the findings are empirical, the Study used a combination of methods, including a literature review as well as interviews with key stakeholders and users of justice services.

The Study has established that Uganda is aware of its SDG obligations and has for this reason put in place an elaborate framework for their implementation. Indeed, Government development planning is informed by Agenda 2030 as is seen from CNDF as well as NDP II. Government has put in place an SDG coordination framework which works under 5-tiers led by the OPM. In JLOS, which is the Sector where SDG 16 is most relevant, implementation has been done through 5-year strategic investment and development plans. These plans have aimed at promoting rule of law, human rights, access to justice with focus on the poor and vulnerable, and promoting accountability, monitoring and evaluation in the Sector. Indeed, in the implementation of the plans, several achievements have been realised. This has been the case with respect to strengthening the policy and legal framework on rule of law and access to justice. Other achievements include enhancing access to justice services and promoting human rights and accountability. This is in addition to addressing the justice needs of special groups such as women and children and other vulnerable persons; promoting ADR; reducing the case backlog; putting in place laws and institutional on accountability; promoting capacity building in the Sector; and promoting inclusiveness in the delivery of justice services as well promulgating laws benefitting special groups. Further to this is ensuring monitoring and evaluation in JLOS, among others.

Despite the above, there are still many challenges and impediments to realising SDG 16. There are serious deficits as far as respect for and promotion of human rights is concerned. This is in addition to adherence to the rule of law. Cases of torture and brutality on the part of security agencies are rampant and many times go unpunished. So is wanton violation of freedoms of assembly and

expression, mainly affecting journalists and opposition politicians. Secondly, corruption in JLOS has remained a “cancer” that has over the years steadily and progressively eaten away at the Sector. As a result, rule of law, human rights and access to justice has been undermined. There are also staff gaps in JLOS, characterised among others by gendered deficiencies with many stations not having female officers. Access to justice services is also constrained by the costs of accessing the same, long distances to service centres as well as accessibility challenges for persons with disabilities. Additionally, although they are the most preferred, there are challenges faced by the informal justice mechanisms. This ranges from lack of capacity and resource gaps to operate effectively to ignorance of the law.

Other challenges include lack of a culture of customer care and service delivery in JLOS; the stalling of the promulgation of some laws and policies; the delay in delivering judgments, particularly by the Constitutional Court; and widespread ignorance of the law and legal procedures. Further, JLOS has not developed guidelines to regulate meaningful and consistent participation of all stakeholders in the formulation of strategic plans and plans of action. There are no mechanisms to ensure that users of justice services and members of the community receive feedback on their proposals or progress made in attending to their concerns. This negates the principles of meaningful participation. These deficiencies have perpetrated a loss of confidence in JLOS.

There is need for concerted efforts on the part of several stakeholders and actors in JLOS to address the challenges and gaps identified above. It should be noted however that over the years, several recommendations have been made to address the above and other challenges in JLOS. To a certain extent, this makes the recommendations in this and other reports almost rhetorical and perfunctory. It is therefore necessary for LASPNET and other stakeholders in the justice sector to consider adopting innovative approaches in ensuring that the recommendations are implemented. For each of these recommendations, LASPNET should identify the relevant organs and actors charged with their implementation and engage and support these to come up with a clear roadmap of implementation. In doing this, LASPNET could leverage its own capacity as well as that of its membership to ensure effective engagement and support. In addition to this, LASPNET should take advantage of the ongoing processes of completing the National Development Plan III (NDP III) and the relevant sector plans. It should work with JLOS to ensure that addressing the challenges above is properly captured in the JLOS plan under NDP III.

The following are the recommendations emerging from this Study:

4.1. SDG 16.3



4.1.1. Nurture a culture of respect for human rights

As illustrated above, one of the challenges constraining full realization of SDG 16.3 is a culture of impunity, characterized by in many respects with blatant violation and abuse of human rights. It is therefore crucially important for this culture of impunity to be dealt with and human rights.

The culture of respect for human rights can be nurtured by doing the following: (i) Training of staff of JLOS institute on human rights observation beyond UPS and UPF; (ii) Disseminate the recently enacted Human Rights Act and the Human Rights Action Plan widely; (iii) Equip the human rights desk officers within the various JLOS institutions with skills and equipment to undertake their task;

(iv) Establish linkages between the institutional human rights desks and UHRC for consistence in standard setting; (v) Development a monitoring framework for observance of human rights at the institutional level and co-opt CSOs in the implementation of the framework; (vi) Ensure that those found to abuse human rights are promptly prosecuted in order to end impunity; (vii) Adequately facilitate UHRC to clear of the backlog of complaints and timely handle complaints on time; (viii) UHRC should undertake legislative amendments to the procedural aspects of the commission to allow for to co-opting members on the complaint resolution committee include members of CSOs particularly ULS; (ix) Undertake reforms to ensure that the 48 hour rule is respected. This should be targeted at discouraging arrest before preliminary investigations to substantiate the allegations; and (x) The Judiciary should be facilitated to handle criminal cases as and when they arise as opposed to moving them to the next high court session which affects the quality of justice due to the large number of cases handled and the limited time frame and violates the rights of the suspect to a fair trial.



4.1.2. Ensure adherence to the rule of law

The observance of the rule of law is one of the aspects that continues to affect the realisation of critical international, regional and national obligations and set targets. It is therefore recommended that the three arms of government are empowered to observe and respect each other's mandate and abide by the true principles of constitutionalism. The planning and budgeting process should be deliberate, intentional and adequate in capturing the needs to capacity development aimed at better implementation and observation of the law. Empowerment of institutions to implement their mandates leveraging on previous capacity built is of critical importance. Budgeting and financing should take into consideration the progressively resourcing of every function and mandate to ensure improved service delivery. It is also recommended that decisions of court are implemented through law revision and reform. Key on the waiting list is the enforcement of the decision in *Human Rights Network (HURINET) and 4 others vs. Attorney General* [Constitutional petition No. 56 of 2013] which nullified section 8 of the Public Order Management Act. Critical here is the need to entrench a culture of respect for rule of law and ending impunity. Infractions related to rule of law should promptly be investigated and punishment. This is most relevant with respect to actions of security agencies who for instance perpetrate acts of torture with impunity.

Adherence to the rule of law also entails ensuring that all laws are implemented and adhered to. Indeed, this Study shows that poor or weak implementation of the law is one of the factors that continue to impede access to justice and adherence to the rule of law. Often laws are passed with good intention but are never implemented or adhered to. Some laws become different to implement due to lack of regulations while others are never fully disseminated. In some cases, laws are not implemented because the resources required for this are never allocated in the budgets. Key on the waiting list is the Human Rights Enforcement Act, which awaits regulations for effective implementation. A tracking system should be developed to monitor implementation of access to justice laws and for ensuring that they are properly resourced. This could take the form of undertaking a feasibility study for the implementation of every law and establishing the factors likely to favour implementation as well as the resources required.

In addition to the above, it is important that the capacity of such JLOS institutions as the UPF is enhanced to enable it effectively to discharge its mandate, thereby promoting the rule of law. It is necessary to build the capacity of the UPF to enable it combat sophisticated crime, include cyber-

crime. Capacity building activities should also enhance the capacity of the Force to effectively investigate and support the prosecution of crime. This will help in combat the problem of case-backlogs, which to a certain extent results from poor investigation of crime by the UPF.



4.1.3. Deepen interventions on gender and equity

The basic principle of inclusiveness lies with a well thought out plan to integrate issues of gender and equity. The sector has already started on mainstreaming of issues of gender and equity. However, there is a need to deepen support to all JLOS institutions to deepen planning, budgeting and implementation of gender and equity sensitive work plans to develop consistence. There is some work already started on Women, Children, Refugees Internally Displaced Persons and PWDs. The initiatives need to be harnessed and nurtured consistently. Further, effort should be made to allow for extensive participation of the members of the community and the vulnerable. The JLOS institutions should also develop performance indicators for issues of gender and equity. It is also necessary to ensure that the staffing of such JLOS institutions as the UPF is gender-sensitive for the purposes of ensuring that there are enough female personnel to serve the gender needs of female clients. This in addition to ensuring that the Sector is sensitive to the needs of PWDs, which could be achieved by ensuring that there are such facilities as ramps, sign-language interpreters in JLOS processes and brailled materials to enable persons with visual disability access information in the Sector and understand the various processes.

Equity also entails ensuring that JLOS services are equitably distributed to enable all populations and regions access the same. This requires enhanced decentralisation of the services, especially for the purposes of ensuring that they reach neglected rural areas. The purpose of this should be reduce the distances people have to travel to access such services as the Police and courts of law. This will reduce the time and costs that go with accessing the services, especially by poor vulnerable persons.



4.1.4. Nurture the informal justice systems

It is proposed that Government fully resources the informal justice system. This can be done by doing the following: (i) mapping and documenting the traditional and cultural institutional access to justice system and analyzing them accordingly to human rights standards; (ii) developing a regulatory framework for traditional and cultural institutions to administrator justice; (iii) building capacity of the traditional institutions to dispense justice in minor cases particularly family and land matters; (iv) monitor and evaluate their performance. CSOs, such as FIDA (U) who have previously worked with Acholi and Karamoja cultural institutions to document the gender principles should be co-opted by government. The Local Council Court system as established by the LCC Act should be further supported to in terms of guidelines and capacity development to support the dispensation of justice. The performance of the courts should be monitored regularly through District Local Government Administration and the Judiciary establishment at the district level. The two systems of informal system should be well funded and captured in the national budget.

4.2. SDG 16.5



4.2.1. Intensify fight against corruption

The fight against corruption in JLOS has almost become rhetoric, with no tangible changes recorded. The general fight against corruption has seen several moves by the Office of the President establish structures to fight to corruption. The most recent establishment in this respect is the Nakalema Anti-Corruption Unit of State House. The above efforts though commendable have not been effective and sustainable. They in the first place replicate the mandates of established statutory bodies, in this case the IGG. Moreover, there appears to be no coordination between the IGG and the Unit and those within JLOS. What needs to be done in the first place is to harmonise all efforts to fight corruption with existing statutory mandates. In this respect, the anti-corruption strategies within JLOS should link with the IGG and harness the mandate of this institution.

The Study established that the fight against corruption in JLOS is partially due to lack of adequate funding and resources to enable the different structures discharge their mandate. It is therefore necessary for the Sector to commit to full implementation of the anti-corruption laws through allocation of resources in terms of funds and personnel and budget for capacity development of the staff. The anti-corruption institutions including the ACD, ODPP and the internal institutional mechanisms such as JSC Disciplinary Committee, the Law Council, The Professional Standards Unit, Judicial Integrity Committee, the Inspectorate of Courts must be fully resource in terms of staffing, capacity development and funding with set targets and deliverables.

One of the critical resources that could be utilized is technology. In some respects, technology could eliminate human interaction in seeking services, which is one of the breeding grounds of corruption. Thus, increased use of technology in the provision of services to eliminate incidences of corruption by eliminating physical contact. In the case of court, technology could be used for case filing, case allocation and cause-listing, among others.

It is also necessary to commit resources to branding and improving customer-care across the JLOS institutions. A starting point could be to clearly mark all offices within an institution and the names of the officers well displaced. Identification cards should also be issued as a must for all frontline officers and while you wait sessions adopted in the common waiting area. This will curb corruption and impersonation.

4.2.2. Ensure legal empowerment of citizens

Legal empowerment is one of the avenues that can be adopted to enhance implementation of SDG 16.3. “Legal empowerment” has been defined as being aimed at giving people the power to understand and use the law.¹²⁶ That it includes all those efforts designed to support people in pursuing a remedy to a breach of individual liberty. In this, it includes interventions that enable people and communities to monitor the extent to which local service delivery institutions comply with the laws or policies that govern them.¹²⁷ Legal empowerment can be achieved through two

¹²⁶ Laura Goodwin and Vivek Maru What do we know about Legal empowerment? Mapping the Evidence Namati Working Paper (May 2014), available at <<https://namati.org/wp-content/uploads/2014/05/Evidence-Review2.pdf>> (accessed on 6th May 2020), at p 8.

¹²⁷ As above, at 9.

ways: First is the promulgation of laws and policies that enable citizens to fully exercise their rights as related to rule of law and access to justice. Second, is through creating legal awareness of the laws, rights and procedures to enable citizens pursue their rights and access justice. This may also require access to facilities and resources required to exercise the rights and pursue remedies.

It is recommended that government undertakes a legal empowerment program aimed at enhancing access to justice by citizens and functionality of justice institutions. To this end a clear roadmap must be developed through a participatory and inclusive process to identify the critical laws that impede access to justice and observance of the rule of law. This should guide the amendment and enactment of several critical laws and policies. In the first place, there is need to adopt the legal aid policy and promulgate the legal aid law. This was alluded to by several people interviewed as part of this study. This will strengthen the normative principles aimed at protecting the rights of citizens. The enactment of the Legal Aid policy which will guide the government to establish a State-funded legal funded Legal Aid scheme to mainly benefit the poor, vulnerable and marginalized.

The enactment of protective laws should be followed by a road to effectively disseminate the laws to the public to create legal awareness and therefore enhance the knowledge of the citizens to access justice. The laws should be simplified and further translated into local languages. Government should strengthen partnership with CSOs particularly Legal Aid Service Providers to undertake legal awareness since they have proven experience. Recognition and support for legal aid and community-based para- legals will enhance the dissemination of laws. This is should be coupled with the ability of the government to roll out legal aid services to improve the right to legal representation.

There is also need for intensified consultations amongst the public in relation to upcoming laws but also in relation to old laws that need amendments. Developing of standard forms/templates for regular legal transactions enhances the use of legal services by the population.

Further legal awareness and legal aid services should be extended closer to the people through local government funded models including use of paralegals and community volunteers that will provide legal aid at the earliest entry point into the justice system.

4.2.3. Strengthen the JLOS institutions and build public confidence

The efforts which have been undertaken to strengthen the JLOS institutions should be appreciated. This has included the building of new prisons, the enhancement of the capacity of the police to investigate crime and the increment of the staffing levels of the Judiciary. Nevertheless, there are still institutional weakness that need to be addressed. The underfunding of the UPF, for instance, which forces members of the public to supplement the running costs of the Force in fuel and stationery, for instance, undermines confidence in the force. It is therefore important that the resources at the disposal of the Force are enhance. Moreover, these should be balanced equitably to ensure that all segments of the force have adequate resources. Crime investigation should for instance be as well-resourced as anti-riot. This should go with improving the welfare of staff to ensure that they have access to a proper working environment and are in position to meet their basic needs.

4.3. SDG 16.7



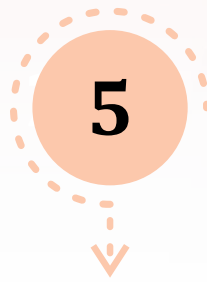
4.3.1. Promulgate guidelines for participation

There is need for JLOS to promulgate guidelines for participation by various stakeholders, special interest group and actors in its activities and services. The guidelines should be informed by the principles which define the HRBA, especially the principles related to addressing the needs of the vulnerable, holding rights obligations holders accountable and empowering rights holders to demand for such accountability. It is also necessary for the adoption of a JLOS-wide client's charter, with proper protocols and modalities for clients' service in the Sector. Although some sections of the Sector, such as the URSB and Administrator's Office have adopted such charters, a sector-wide charter would be crucial in setting the general modalities and standards that could be adapted by all sections of the Sector.



4.3.2. Enhance participation in planning

Although the Sector has created various platforms that allow CSOs and other actors to take part in the activities of the Sector including in planning, the planning processes need to be improved to allow for more participation. A lot has been done to involve the public in the annual reviews. The same needs to be done for purposes of planning, especially as the Sector prepares to plan to implement the National Development Plan III. The process for the adoption at the national level of the National Development Plan III is at the tail end. However, there is no evidence of adequate participation in this by the public. There is equally no evidence that planning processes for a JLOS Development Pan have started. It is crucially important that this process starts immediately and is kept open and transparent.



Conclusion

The study was aimed at interrogating the status and extent to which SDG 16 particularly targets 16.3, 16.5 and 16.7 are being implemented in Uganda with the specific purpose of documenting performance of the JLOS. It was established that Uganda has an elaborate framework for implementation of the SDGs which the country has incorporated into its domestic planning framework. Nonetheless, it was found that there still remain challenges and impediments which are not novel – these have created a deficit in the realization of SDG 16 targets 16.3, 16.5 and 16.7. The report highlights a number of recommendations based on the findings of the study. Therefore, there is a need for the various stakeholders and actors at all levels of implementation to have concerted efforts in ensuring the timely realization of the three SDG 16 targets. Particularly, it is important that the various recommendations made by the various studies, researches and at open forums should be followed through and duly implemented.

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Annex I: List of Persons interviewed**PERSONS INTERVIEWED AT KALIRO****STATE ACTORS**

POLICE – KALIRO POLICE STATION		
S/N	NAME	DESIGNATION
1.	D/ASP Agii David	Assistant DPC (D/ASP)

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS – KALIRO		
S/N	NAME	DESIGNATION
1.	Angoli Peter	Resident State Attorney

JUDICIARY – KALIRO MAGISTRATE’S COURT		
S/N	NAME	DESIGNATION
1.	H/W Egessa Wilberforce	Magistrate Grade I
2.	Mwesigwa Samuel	Court Clerk

NON-STATE ACTORS

FOCUS DISCUSSION GROUP KALIRO		
S/N	NAME	DESIGNATION
1.	Hamza Baligeaya	Deputy Mayor
2.	Salaam Betty	Representative Women disabled
3.	Paul Isiko	Citizens Concern Kaliro (Community Based Organisation)
4.	Susan Kagoya	Probation and Social Welfare Officer
5.	Wakabi Elliot	Town agent
6.	Joy Nayisikwe	Secretary Gender / District Counsellor
7.	Mwinike Rose	Kaliro Town Council Industrial Community Health Promoter
8.	Mutesi Esther	Female Chairperson LC1
9.	Godfrey Nsaiga	Chairperson LC1
10.	Nansikombi Monica Butono	Secretary Gender/Counsellor - Kaliro Town Council
11.	MbonerekuSanon	Human Rights Advocate CBO – Programme officer K.C.B.O
12.	Wandera Charles	Town Clerk Kaliro
13.	Richard Bagazi	Person With Disability (Ordinary Citizen)
14.	Buyinza Elliot	Community Development Officer Bumanya
15.	Samuel Kimalayo	Chairperson Bwayuya
16.	Kyombe David	Chairperson LC1 - Buyodi
17.	Sarah Ndikwani	Chairperson Women Bulangira
18.	Namaganda Aisha	Farmer (Ordinary Citizen)
19.	Esther Birungi	Ordinary Citizen
20.	KiwalaManoeri	Member Industrial area

PERSONS INTERVIEWED AT NAKASEKE

STATE ACTORS

POLICE – NAKASEKE POLICE STATION		
S/N	NAME	DESIGNATION
1.	ASP Ndawula Timothy S	Deputy DPC / OC station

NON-STATE ACTORS

FOCUS DISCUSSION GROUP KALIRO		
S/N	NAME	DESIGNATION
1.	MadrineNagadya	Head of Women at LC1
2.	NantezaEseza	Head of Persons with Disabilities Nakaseke
3.	MunambaAsuman	Counsellor at Gombolola
4.	NdwaddeHafuswah	Bulayi Head of Women / LC2 Head of Development
5.	Nakubulwa Teddy	Community Development Officer / Parish Chief
6.	Nalukenge Dinah	Parent (Ordinary Citizen)
7.	Robert Oketi	DISO / Head of Youth Bulyake
8.	NakatoFatumah	Youth Chairperson Nakaseke
9.	NalongoNakibuule	Vice Chair LC2 / Women Chairperson
10.	ReginahKisuule	Head of praise at Church
11.	Kibembo John	Chairperson Elderly
12.	Gitta Livingstone	Chairperson LC1
13.	Felix Mulwana	CORDI Human rights advocate
14.	Ewau .G.	Police in charge Nakaseke police post
15.	Nansamba Sarah	Ordinary citizen
16.	Mutoni Justine	Ordinary citizen

CIVIL SOCIETY		
NAME	DESIGNATION	
John Segujja	Executive Director CODI	

PERSONS INTERVIEWED AT MASAKA

STATE ACTORS

POLICE – MASAKA POLICE STATION		
S/N	NAME	DESIGNATION
1.	SP Bosco Bakashaba	DPC

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS – MASAKA HIGH COURT		
S/N	NAME	DESIGNATION
1.	Sheba Byakutaga	State Attorney
2.	Akasa Aminah	State Attorney

JUDICIARY – MAGISTRATES COURT MASAKA		
S/N	NAME	DESIGNATION
1.	H/W Wakooli Grace	Magistrate Grade I
2.	H/W Zirada Arthur	Magistrate Grade I

NON-STATE ACTORS

FOCUS DISCUSSION GROUP KALIRO		
S/N	NAME	DESIGNATION
1.	ProssyNantongo	Civilian
2.	VicentMugenyi	Laborer
3.	Godfrey Bwanika	Farmer
4.	James Kato	Farmer
5.	Agnes Namugga	Farmer
6.	Stephan Nanjoba	Business Woman
7.	Justine Namajanja	Cook
8.	Stella Nalwoga	Student
9.	RestyNansamba	Chef
10.	Nakijoba Josephine	Farmer

Annex II: Questionnaires

TRACKING THE STATUS OF IMPLEMENTATION OF SDG 16 (16.3, 16.5 AND 16.7) IN UGANDA

INTERVIEW GUIDE FOR NON-STATE ACTORS

A. Introduction

This Interview is part of a process of obtaining data for purposes of completing a study that is intended to track the implementation of Sustainable Development Goal (SDG) 16, focusing particularly on targets 16.3, 16.5 and 16.7. Target 16.3 requires countries to “[p]romote the rule of law at the national and international levels and ensure equal access to justice for all”. On its part, target 16.5 requires states to “[s]ubstantially reduce corruption and bribery in all their forms”. While Target 16.7 requires states to “[e]nsure responsive, inclusive, participatory and representative decision-making at all levels”. Uganda has committed to the SDGs and is therefore obliged to realise these targets. The Study has been commissioned by the Legal Aid Service Providers Network (LASPNET) and will result into a Report that will make recommendations on how effectively to track SDG 16.

B. Composition of focus group

The focus group discussion will target community members as participants. This will include ordinary citizens, users of JLOS services, local leaders at the level of LC I and members of community-based organisations. Deliberate effort will be made to ensure that such vulnerable groups as women, persons with disabilities, youth, older persons and refugees (in locations with these) take part in the FGDs.

C. General questions about SDGs

1. What the access to justice needs are in the region?
2. The JLOS services participants are aware exist in the region?

D. Planning and budgeting

3. Whether participants are aware of JLOS plans and budgets and the processes these follow.
4. Extent to which the community is involved in this? If yes, what are the benefits and challenges?
5. Specifically, are groups such as women, persons with disabilities, youths, older persons and refugees involved?
6. What are the justice needs of the above groups?
7. Do they know whether the needs of the above groups have been addressed in relation to access to justice in planning and budgeting?

E. Implementation level

8. Establish their understanding of the meaning of rule of law and their views on whether this being followed?
9. Ask about what they think about corruption in the Justice Sector?
10. If they say that there is corruption, how is this affecting them? How is it affecting women, older persons, PWDs, youth and refugees?
11. Do they have any suggestions on how corruption and rule of law deficits could be addressed?
12. Do they know of the measures in place to deal with corruption? How have these been implemented?
13. Do they feel that they are involved in the execution of plans?
14. Are they familiar with how decisions on implementation of the plans and execution of the budgets in relation to access to justice are made?
15. Ask about extent to which marginalised and vulnerable groups are involved in making and implementing of decisions and executing budgets? Any challenges?
16. Is there effective responsiveness from JLOS in relation to the services it offers? Are their complaints listed to and addressed?
17. How do they generally rate the quality of access to justice services?

F. M&E, tracking level

18. Establish extent to which they are involved in M&E in relation to access to justice.
19. How vulnerable and marginalised groups are involved?
20. In simple terms, are there any recommendations to enhance effective tracking of the SDGs and particularly targets 16.3, 16.5, and 16.7 you would like to give?

TRACKING THE STATUS OF IMPLEMENTATION OF SDG 16 (16.3, 16.5 AND 16.7) IN UGANDA

INTERVIEW GUIDE FOR NON-STATE ACTORS

G. Introduction

This Interview is part of a process of obtaining data for purposes of completing a study that is intended to track the implementation of Sustainable Development Goal (SDG) 16, focusing particularly on targets 16.3, 16.5 and 16.7. Target 16.3 requires countries to “[p]romote the rule of law at the national and international levels and ensure equal access to justice for all”. On its part, target 16.5 requires states to “[s]ubstantially reduce corruption and bribery in all their forms”. While Target 16.7 requires states to “[e]nsure responsive, inclusive, participatory and representative decision-making at all levels”. Uganda has committed to the SDGs and is therefore obliged to realise these targets. The Study has been commissioned by the Legal Aid Service Providers Network (LASPNET) and will result into a Report that will make recommendations on how effectively to track SDG 16.

H. General questions about SDGs

21. What is your focus in relation to access to justice?
22. What do you know and can tell us about the SDGs?
23. To what extent is your work guided by the SDGs?
24. The National Development Plan II (NDP II) is among others guided by the SDGs.
Does the NDP in any way guide your work?
25. One of the central objects of the SDGs is to ensure that “no one is left behind”.
Has this in any way guided your work?
26. Is there anything else you want to say about the relevance of the SDGs?

I. Planning and budgeting

27. From the perspective of your work, do you think that planning and budgeting in JLOS has been participatory and bottom-up?
28. In line with the need not to leave anyone behind, planning and budgeting processes must ensure the involvement of marginalised and vulnerable groups, do you have any views on the extent to which this has been realised in JLOS in relation to your work?
29. What marginalised and vulnerable groups are you working with?
30. What provision have you made for the above groups in your work and activities?
31. To what extent do you think the needs of these groups have been addressed in relation to access to justice?
32. There is some rule of law deficits in the country, characterised among others by failure to follow the law and impunity. Do you think that this problem has been dealt with in the planning and budgeting in JLOS?

33. Corruption is a major problem in Uganda and acute in JLOS. How has this problem been addressed in the planning and budgeting processes?

J. Implementation level

34. Do you have any views on how corruption and rule of law deficits are affecting marginalised and vulnerable groups?
35. To what extent do you think JLOS has implemented the measures in place to deal with corruption?
36. Execution of plans and budgets is supposed to be participatory, to what extent has this been achieved in relations to access to justice? Do you feel that you are involved in these processes?
37. Are you familiar with how decisions on implementation of the plans and execution of the budgets in relation to access to justice are made? Do you know whether there are structures in place for this and how effective these are?
38. Do you think that the implementation and decisions-making processes in relation to access to justice are bottom-up?
39. Do you think that marginalised and vulnerable groups are involved in making and implementation decisions and executing budgets? Any challenges?
40. Is there effective responsiveness from JLOS in relation to the services it offers relevant to your work?
41. Realisation of the SDG targets requires inter-agency collaboration and cooperation, including some non-state actors. Do you feel that this has been realised? Have you been part of any such collaboration?
42. What are some of the agencies/non-state actors that you have collaborated with and to what extent have these collaborations been successful?

K. M&E, tracking level

43. How do you as an institution track progress in the implementation of your activities?
44. Are you familiar with how JLOS tracks progress and how effective this is?
45. Do you know any tracking specific to anti-corruption and rule law measures?
46. What is your assessment of how participatory JLOS tracking and monitoring processes are?
47. Do you know whether vulnerable and marginalised groups are involved in the tracking?
48. Overall, can you tell how effective have tracking and monitoring measures have been?
49. How is your own tracking if at all you have any in place?
50. Are there any recommendations to enhance effective tracking of the SDGs and particularly targets 16.3, 16.5, and 16.7 you would like to give?

TRACKING THE STATUS OF IMPLEMENTATION OF SDG 16 (16.3, 16.5 AND 16.7) IN UGANDA

INTERVIEW GUIDE FOR NON-STATE ACTORS

L. Introduction

This Interview is part of a process of obtaining data for purposes of completing a study that is intended to track the implementation of Sustainable Development Goal (SDG) 16, focusing particularly on targets 16.3, 16.5 and 16.7. Target 16.3 requires countries to “[p]romote the rule of law at the national and international levels and ensure equal access to justice for all”. On its part, target 16.5 requires states to “[s]ubstantially reduce corruption and bribery in all their forms”. While Target 16.7 requires states to “[e]nsure responsive, inclusive, participatory and representative decision-making at all levels”. Uganda has committed to the SDGs and is therefore obliged to realise these targets. The Study has been commissioned by the Legal Aid Service Providers Network (LASPNET) and will result into a Report that will make recommendations on how effectively to track SDG 16.

M. General questions about SDGs

51. What do you know and can tell us about the SDGs?
52. To what extent is your work guided by the SDGs?
53. The National Development Plan II (NDP II) is among others guided by the SDGs. Does the NDP in any way guide your work?
54. One of the central objects of the SDGs is to ensure that “no one is left behind”. Has this in any way guided your work?
55. Is there anything else you want to say about the relevance of the SDGs?

N. Planning and budgeting

56. Do you have a planning and budgeting cycle? If so, obtain details of dates, duration etc?
57. One of the implied key requirements of the SDGs is to ensure that planning and budgeting is participatory and bottom-up. To what extent has this been realised?
58. In line with the need not to leave anyone behind, planning and budgeting processes must ensure the involvement of marginalised and vulnerable groups, to what extent has this been realised?
59. What marginalised and vulnerable groups do you feel you are responsible for?
60. What provision has been made for the above groups both in the plan(s) and budget(s)?
61. There is some rule of law deficits in the country, characterised among others by failure to follow the law and impunity. How has this problem been dealt with in the planning and budgeting? Is there any specific focus on dealing with these?
62. Corruption is a major problem in Uganda and acute in JLOS. How has this problem been addressed in the planning and budgeting processes?

O. Implementation level

63. How does the institution (agency, etc) implement the measures in place to deal with corruption, both within and (if relevant) without the institution?
64. How are decisions on implementation of the plans and execution of the budgets made? Are there structures in place to deal with these?
65. To what extent are the implementation and decisions-making processes bottom-up?
66. What is the place of marginalised and vulnerable groups in making and implementation decisions? Any challenges?
67. What measures and mechanisms has the institution put in place to ensure that it is responsive to the people it serves? How do these deal with the needs of vulnerable groups?
68. How effective have the above measures been? Any challenges?
69. Realisation of the SDG targets require inter-agency collaboration and cooperation. How has this been achieved?
70. What are some of the agencies/non-state actors that you have collaborated with and to what extent have these collaborations been successful?

P. M&E, tracking level

71. How does the institution/agency track progress in the implementation of its plans and budgets? What are the mechanisms in place?
72. Is there specific tracking relevant to anti-corruption and rule law measures?
73. How participatory are the tracking and monitoring processes?
74. To what extent are vulnerable and marginalised involved in the tracking?
75. How effective have tracking and monitoring measures been?
76. How are the outcomes of tracking and evaluation dealt with?
77. Are there any recommendations to enhance effective tracking of the SDGs and particularly targets 16.3, 16.5, and 16.7?



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