



CASTLE THINK PIECE

COVID-19: OPPORTUNITY TO THRIVE:

JUSTICE LAW AND ORDER

Presented by

MS. MERCY KAINOBWISHO

SATURDAY

10th OCTOBER 2020

1.0 INTRODUCTION:

The scale of disruption caused by the COVID-19 pandemic has exceeded the impact of any other health, economic or socio-political crisis since the Second World War, considering that every country and every sector were affected simultaneously.

In the context of the Justice Law and Order Sector (JLOS) in Uganda, this involved diversion of personnel and financial resources to frontline participation in essential activities to support the national emergency response plans, and the suspension or scaling back of critical services offered by the justice system (including private practitioners) to citizens. The disruption to JLOS had second round effects on other sectors; for instance restrictions to legal services during the lock down impacted the business sector and provision of legal aid to those who needed it.

Whereas the JLOS sector moved to respond to the disruptions through various ways for instance through accelerating electronic means of dispensing justice, the COVID-19 pandemic exposed various gaps in its business continuity and emergency response systems. The importance of the JLOS sector to the country's peace, stability and advancement is critical and a priority, as the Government continues to lift restrictions and normalise operations across sectors while seeking to minimise the spread of the virus. It is clear that new ways of doing business have to be identified, adopted and normalised for the JLOS sector as it is with others.

Identifying new imperatives will entail an examination of opportunities that have emerged in spite of or because of the pandemic's impact on the sector.

2.0 BACKGROUND:

The Justice Law and Order (JLOS) concept in Uganda is a sector wide approach adopted by Government to maximise the synergies and efficiencies of all institutions contributing to the justice system. It brings together institutions whose mandates are aligned in terms of the administration of justice,



maintainance of law and order, and protection of human rights to develop a common vision, policy framework and objectives over the medium term.

JLOS focuses on a holistic approach to improving access to and administration of justice through the sector wide approach to planning, budgeting, programme implementation, monitoring and evaluation.

2.1 Institutions Involved

The sector comprises of 18 institutions: Ministry of Justice and Constitutional Affairs (MOJCA); Ministry of Internal Affairs (MIA); The Judiciary; Uganda Police Force (UPF); Uganda Prison Service (UPS); Directorate of Public Prosecutions (DPP); Judicial Service Commission (JSC); The Ministry of Local Government (Local Council Courts); The Ministry of Gender, Labour and Social Development (Probation and Juvenile Justice); The Uganda Law Reform Commission (ULRC); The Uganda Human Rights Commission (UHRC); The Law Development Centre (LDC); The Tax Appeals Tribunal (TAT); The Uganda Law Society ((ULS); Centre for Arbitration and Dispute Resolution (CADER) , The Uganda Registration Services Bureau (URSB) and National Identification Registration Authority (NIRA).

2.2 JLOS Strategic Objectives:

1. To enhance the JLOS infrastructure and access to JLOS services;
2. To promote the observance of human rights and fight corruption; and
3. To strengthen commercial justice and the environment for competitiveness.

2.3 Strengths of the Sector

- a. The JLOS Sector secretariat, which provides strategic and technical coordination to drive results.
- b. There is strong sector commitment and coordination among the institutions.
- c. There is a clear strategic Development plan and institutional plans
- d. Availability of funds (from Government of Uganda and Donor agencies)
- e. There has been improved coverage of justice access points in the country
- f. The level of automation of services in institutions has increased.
- g. The sector has qualified, strong and committed human resources e.g. Prosecutors, Judicial Officers and Registrars among others.



2.4 CHALLENGES FACED BY THE SECTOR

Notwithstanding the above strengths, the sector is hampered by the following challenges, many of which were exacerbated by the COVID-19

a. Leadership gaps and unfilled positions

The shortage of key judicial personnel is one of the most consistent challenges faced by the JLOS. This extends to delayed appointments of key office bearers. This is a recipe for issues such as case backlogs and slows down the process of dispensing justice and general decision making.

b. A Poor Risk Management Culture:

COVID-19 exposed the sector as lacking a strong emergency response plan or an entrenched framework for risk planning and mitigation.

c. Inadequate Investment In ICT

Whereas the level of ICT infrastructure, tools and equipment has grown overtime, it is still inadequate to meet the contemporary demands of service delivery. The technology gaps were evident during COVID-19. This was worsened by the high cost of Internet and access thereof.

d. Lack Of A Clear Legal Framework To Deal With The Pandemic

There was inadequate interrogation of the legal implications of emergency decisions to address COVID-19 pandemic, and whether all directives made in that regard had the backing of the law. Uncertainty prevailed on whether the country needed of state of emergency and the need for parliament to pronounce itself on the implications of the decisions/measures taken.

e. Disregard of Judicial Process

There are instances of failure to respect court orders from some leaders.

f. Human Capital Challenges:

This was characterised by knowledge gaps, untrained human resource in online interventions and labour issues as a result of closure of businesses and firing of employees.



3.0 IMPACT OF COVID-19 ON JUSTICE LAW AND ORDER IN UGANDA:

a. Interruption Of Sector Services And Programmes:

- i. Court suspended hearings and appearances.
- ii. Failure to access legal representation and the resultant effect on human rights.
- iii. Prisoners and remandees not to be presented in court.
- iv. All execution proceedings were suspended.
- v. Restriction of prison visitations and movement of prisoners
- vi. All conferences, workshops, meetings and training programmes suspended.

b. Impact on Vulnerable Communities:

- i. The COVID-19 related restrictions and their impact on access to redress mechanisms and legal aid services affected segments such as refugees, women, children and the homeless. The Uganda Police reported rising cases of domestic violence against women and children.

c. Institution of Transition Plans:

- i. Activation of video link for court sessions to proceed.
- ii. Courts continued handling certificates of urgency and taking plea for serious cases and bail applications
- iii. Uganda Registration Services Bureau (URSB) provided electronic services for all its key services.
- iv. To ensure business continuity during the COVID-19 lockdown, the Uganda Law Society partnered with the Judiciary to use Zoom Video. Uganda Prisons established a quarantine space for isolation of cases.
- v. Conferencing used in adjudication of matters.
- vi. The Uganda Human Rights Commission (UHRC) came up with several interventions related to the observance of human rights.

d. Focus on Frontline Services:

- i. The Uganda Police Force was at the forefront of the COVID 19 response.



4.0 OPPORTUNITIES:

- a. Migration to digital tools for expanded outreach and routine work.
- b. The resort to eco-friendly options (online processes that have enabled paperless transactions).
- c. Alternative dispute resolution mechanisms can be enhanced. In particular,, community based.
- d. COVID-19 exposed the need to amend procurement laws to support efficiency in both emergency responses and routine services.
- e. Public-private-partnerships can be used to bridge strategic gaps in essential JLOS services.

5.0 RECOMMENDATIONS:

- a. The shortage of personnel in the judiciary should be addressed.
- b. There is need for budget enhancement to ensure the appropriate investment, capacity building and change management in technology related services for the JLOS sector.
- c. Government should expand the reach of ICT technology around the country and the availability and affordability of internet to facilitate the work of the sector.

5.1 Expected Benefits

- a. Improved service delivery
- b. Mind shift and behavioral change
- c. Embracing of ICT Solutions
- d. Adapting to remote working
- e. Business continuity plans
- f. Budget adjustments
- g. More investment in health systems
- h. More investment in ICTs
- i. Enhanced collaboration, coordination and partnerships
- j. Flexibility and adaptability.



6.0 CONCLUSION

The Justice Law and Order Sector is a critical sector that offers indispensable services to the citizens of every country in disseminating relevant information and access to justice services. The administration of justice law and order was to a big extent hampered by the COVID 19 pandemic and there is need for strategic interventions which include putting in place a proper ICT infrastructure, E-Systems , procure necessary hardware and software solutions, amend relevant laws to enable online transactions/e-justice, development of business continuity plans, electronic document management systems, prioritization of cases, access to protective equipment , e-decentralization of services, training in use of digital systems, promote online alternative dispute mechanisms, harness digital innovations to address the justice needs during and post COVID 19 pandemic .



ABOUT CASTLE

The Centre for Advanced Strategic Leadership (CASTLE) is a non-profit think tank that has been established to provide research and consultancy towards approaches for addressing challenges to Africa's advancement. CASTLE is a product of the Institute for National Transformation (INT), a leadership training institution in Africa, which has since 2005 been developing transformational leaders who are serving society in a variety of sectors. INT is headquartered in Nigeria and operates in Uganda, Kenya, South Africa and Cote d'Ivoire. INT also has training centres in the United Kingdom and the United States of America for reaching out to the African diaspora. CASTLE complements INT by providing a practical platform to offer tailored interventions to specific issues that will be identified across the African continent.

OUR PURPOSE

We exist to promote the application of critical thought leadership to the governance of Africa's key sectors for national transformation. We believe that while the African continent is endowed with a wealth of natural resources, a qualified and experienced workforce, and abundant opportunities, the desirable impacts of these combined attributes are often curtailed by challenges of thought leadership, governance and execution. CASTLE seeks to help bridge the gap between knowledge and practice among stakeholders in Africa's transformation, and do so in a manner that furthers national interests in all respects.

OUR SERVICES

Our services include policy research, sustainable strategies for transformation, leadership and governance development, fostering constructive dialogue and innovation among others. We target the central and local governments, stakeholders of key sectors of the economy, and, public and private institutions.

OUR VALUES

CASTLE conducts its work in a manner that is forthright, non-partisan, respective of diversity, and aligned with national aspiration.

FOR INFORMATION CONTACT

CASTLE

Krish Mall 1st Floor, Unit 13.
Spring Road Bugolobi,
Kampala Uganda

connect@castlethinktank.org WWW.CASTLETHINKTANK.ORG



