

Justice Law and Order Secretariat,
Ministry of Justice and Constitutional Affairs,
Plot no. 1, Parliament Avenue, 4th Floor,
P.O Box 7183,
Kampala, Uganda

Final Report

A Criminal Justice Baseline Survey of the Justice Law and Order Sector of Uganda - 2002

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K2-Consult Uganda Limited,
Plot no. 32, Kanjokya Street, Kamwokya,
P.O Box 8628, Kampala
Telephone nos. 532 865 or 532 871 or 532 873
Telefax no. 532 910
E-mail: info@k2consult.com



TABLE OF CONTENTS

ACKNOWLEDGEMENTS	10
EXECUTIVE SUMMARY	11
INTRODUCTION	18
1.1 BACKGROUND	18
1.2 THE JUSTICE LAW AND ORDER SECTOR.....	18
1.3 ACTIVITIES UNDERTAKEN	20
1.4 STRUCTURE OF THE REPORT.....	20

PART I	21
2 INTRODUCTION PART I	22
3 METHODOLOGY	22
3.1 PARAMETERS FOR CRIME STATISTICS INTERPRETATION	25
4 CRIME REPORTED BY CATEGORY OF CRIME	28
4.1 ALL CATEGORIES OF CRIME	28
4.2 CAPITAL CRIME	31
4.3 SERIOUS CRIME	33
4.4 ECONOMIC CRIME.....	35
4.5 PETTY CRIME	37
5 CRIME REPORTED BY AREA (RURAL / URBAN)	39
5.1 CAPITAL CRIME	39
5.2 SERIOUS CRIME	39
5.3 ECONOMIC CRIME.....	39
5.4 PETTY CRIME	40
5.5 SUMMARY	40
6 ARRESTS MADE BY GENDER	41
6.1 CAPITAL CRIME	41
6.2 SERIOUS CRIME	42
6.3 ECONOMIC CRIME.....	42
6.4 PETTY CRIME	43
6.5 SUMMARY	44
7 ARRESTS MADE BY EMPLOYMENT - CIVIL SERVICE	45
7.1 CAPITAL CRIME	45
7.2 ECONOMIC CRIME.....	47
7.3 PETTY CRIME	47
7.4 SUMMARY	48
8 ARRESTS MADE BY EMPLOYMENT - SECURITY PERSONNEL	49
8.1 CAPITAL CRIME	49
8.2 ECONOMIC CRIME.....	50
8.3 PETTY CRIME	50
8.4 SUMMARY	51
9 JUVENILES AS VICTIMS OR ACCUSED	52
9.1 CAPITAL CRIME	52
9.2 SERIOUS CRIME	54
9.3 ECONOMIC CRIME.....	55
9.4 PETTY CRIME	56
9.5 SUMMARY	57
10 CONCLUSION PART I	58

PART II	60
11 INTRODUCTION PART II	61
12 METHODOLOGY	61
12.1 COMMENTS ON METHODOLOGY	61
13 EFFICIENCY AND EFFECTIVENESS	62
13.1 COST OF DELIVERY OF SERVICES	62
13.1.1 Expenditure / Investment for the JLOS	62
13.1.2 Expenditure / Investment and Reported Crime	63
13.1.3 Expenditure / Investment per Capita and by Regions	64
13.1.4 Cost of Handling Cases – the Directorate of Public Prosecutions (DPP)	64
13.1.5 Cost of Handling Cases – the Courts of Judicature	65
13.2 SPEED OF OPERATION – CASE LOADS	66
13.2.1 The Uganda Police Force (UPF)	66
13.2.2 The Directorate of Public Prosecution (DPP)	67
13.2.3 The Courts of Judicature	68
13.2.4 Uganda Prison Service (UPS)	71
13.3 MANAGEMENT INFORMATION SYSTEMS	73
13.3.1 The Ugandan Police Force (UPF)	73
13.3.2 The Directorate of Public Prosecution (DPP)	73
13.3.3 The Courts of Judicature	74
13.3.4 Uganda Prisons Service (UPS)	75
14 ACCESS TO JUSTICE	76
14.1 PHYSICAL PROXIMITY AND STAFFING LEVELS	76
14.1.1 The Uganda Police Force (UPF)	76
14.1.2 The Directorate of Public Prosecutions (DPP)	79
14.1.3 The Courts of Judicature	80
14.1.4 Uganda Prison Service (UPS)	81
14.2 ALTERNATIVE DISPUTE MECHANISMS	82
14.2.1 The Local Council Courts	82
14.2.2 Kinship Systems	83
14.3 ACCESS TO LEGAL AID	83
15 QUALITY OF JUSTICE	85
15.1 HOUSEHOLD EXPERIENCE WITH JLOS INSTITUTIONS	85
15.1.1 Overview	85
15.1.2 Extent of Experience	85
15.1.3 Reporting Procedures	86
15.1.4 Reasons for Not Reporting to the Police	87
15.1.5 Household Experience of the Quality of Police	87
15.1.6 Proportion of Cases Reaching Court	89
15.1.7 Household Experience of the Quality of the Courts	89
15.2 ADHERENCE TO HUMAN RIGHTS STANDARDS	90
15.3 FAIR AND SPEEDY RESOLUTION OF CASES	90
15.4 CONDITIONS IN PRISONS	90
16 CONCLUSION PART II	92
16.1 EFFICIENCY AND EFFECTIVENESS	92
16.2 ACCESS TO JUSTICE	93
16.3 QUALITY OF JUSTICE	94

PART III	95
INTRODUCTION PART III	96
17 BACKGROUND AND METHODOLOGY	97
17.1 SURVEY METHODOLOGY	97
17.2 SAMPLING PROCEDURES	98
17.3 EVALUATION OF METHODOLOGY	98
17.4 HOUSEHOLD SURVEY IMPLEMENTATION	99
17.5 COMPOSITION OF THE HOUSEHOLD SAMPLES.....	101
17.6 KEY INFORMANT INTERVIEWS	104
17.7 OVERVIEW OF SURVEY FINDINGS	105
17.8 PERSPECTIVES AND CONDITIONALITIES.....	105
18 EFFICIENCY AND EFFECTIVENESS	107
18.1 INTRODUCTION	107
18.2 GENERAL WORK PERFORMANCE	107
18.3 PERFORMANCE IN PUBLIC RELATIONS.....	110
18.4 OPERATIONAL EFFICIENCY AND EFFECTIVENESS OF POLICE	111
18.5 OPERATIONAL EFFECTIVENESS OF COURTS	113
18.6 TRANSPARENCY AND ACCOUNTABILITY	114
19 ACCESS TO JUSTICE	118
19.1 OVERVIEW	118
19.2 PROXIMITY OF SERVICES	118
19.3 COST OF ACCESSING SERVICES	120
19.4 APPROACHABILITY OF STAFF OF JLOS INSTITUTIONS	121
19.5 THE REGULATORY FRAMEWORK.....	123
19.5.1 <i>Changes in Sentencing - Community Service</i>	123
19.5.2 <i>Decriminalisation</i>	126
19.5.3 <i>Severity of Sentences</i>	127
20 QUALITY OF JUSTICE	129
20.1 GENERAL TREATMENT OF SUSPECTS/OFFENDERS	129
20.2 TREATMENT WHILE IN DETENTION	130
20.3 ARREST AND COMMITTAL PROCEDURES	131
20.4 BAIL AND BONDING ISSUES.....	134
20.5 GENERAL DISCRIMINATORY PRACTICES	134
20.6 INEQUALITY OF BARGAINING POWER.....	135
20.7 GENDER BASED DISCRIMINATION	137
20.8 TRIBALISM AND NEPOTISM.....	138
20.9 COMMON PERCEPTIONS OF DISCRIMINATION.....	139
21 CONCLUSION PART III	140
21.1 GENERAL CONCLUSIONS.....	140
21.2 EFFICIENCY AND EFFECTIVENESS	141
21.3 ACCESS TO JUSTICE	141
21.4 QUALITY OF JUSTICE.....	142

PART IV	143
22 FINDINGS OF THE SURVEY	144
22.1 PART I CRIME STATISTICS	144
22.2 PART II THE ACTUAL SITUATION.....	145
22.3 PART III END USER PERCEPTIONS	146
23 CONCLUSIONS	148
23.1 PART I CRIME STATISTICS	148
23.2 PART II THE ACTUAL SITUATION.....	148
23.3 PART III END USER PERCEPTIONS	149
24 RECOMMENDATIONS	150

APPENDICES

- 1: POLICE FORM I AND DATA CAPTURING FORM
- 2: HOUSEHOLD SURVEY FORM
- 3: FOCUS GROUP DISCUSSION CHECKLIST
- 4: JLOS INSTITUTIONS, LEGAL ASSOCIATIONS AND CIVIL SOCIETY GROUPS SURVEY FORM
- 5: TERMS OF REFERENCE
- 6: ADDITIONAL TABLES
- 7: INSTITUTIONS VISITED
- 8: Documents Reviewed

Index of Tables

Part I

Table 1 Geographical Regions, Police Regions and Administrative Areas	23
Table 2 Translation Table for Reported Crimes (based on Police Form I)	24

Part II

Table 1 Expenditure / Budget by Institution (Billion Shillings)	63
Table 2 Total Number of Crimes Reported. Total Expenditure / Budget for the JLOS	63
Table 3 Per Capita Resource Allocation	64
Table 4 Cost per Completed Case – 4 Levels of Court	65
Table 5 Number of Cases per CID Officer	66
Table 6 Number of Cases per Prosecutor Staff	67
Table 7 High Court: Case Load, Through Put and Backlog	69
Table 8 CMC: Case Load, Through Put and Backlog	69
Table 9 GMC: Case Load, Through Put and Backlog	69
Table 10 All Courts - Case management	70
Table 11 Number of Defilement Cases	71
Table 12 Disposition of Police Staff by Region – All categories	77
Table 13 No. of State Attorneys, State Prosecutors	79
Table 14 No. of Judges, Chief Magistrates, Grade I and G II Magistrates	80
Table 15 Strength Against Authorised Establishment	81
Table 16 Average Population in Prisons in Relation to Approved Accommodation	81
Table 17 Legal Aid: Cases Received and Completed	84
Table 19 Distribution of Cases Received 1998	84
Table 20 Nature of Household Informants Experience of JLOS	85
Table 21 Nature of Cases in Which Household Members had been Involved	86
Table 22 Household Reasons for Not Dealing with the Police	87
Table 23 Household Experience of Dealing with the Police	87
Table 24 Household Experience of the Formal Court System [Percent]	89

Part III

Table 1 The Surveyed Districts	99
Table 2 Composition of Samples by Gender	101
Table 3 Comparison of Samples by Educational Level	102
Table 4 Household Informants – Source of Household Income	103
Table 5 Comparison of Regional Samples by Selected Wealth Indicators	103
Table 6 Perceptions of Key Informants about General Standard of Work of JLOS Institutions	110
Table 7 Household Perceptions by Region of Performance of JLOS Institutions in Informing and Educating the Public	110
Table 8 Perceptions of Key Informants about JLOS Performance in Public Relations	110
Table 9 Household Informants perceptions of speed of Police action in response to crime reports and in making arrests. Percent Rating “Very Fast/Fast”	111
Table 10 Key Informants Perception of Speed of Police Response to Crime Reports	112
Table 11 Perceptions of Key Informants of Speed of Police in Effecting Arrests	113
Table 12 Perceptions of Household Informants of Speed of Courts in Resolving Cases	113
Table 13 Perception of Key Informants on Speed of the Courts in Resolving Cases	113
Table 14 Household Informants Perception Extent of Embezzlement	115
Table 15 Key Informants’ Perception of Extent of Embezzlement	115

Table 16 Household Informants' Perceptions of Misuse of Office Equipment	115
Table 17 Key Informants' Perception of Extent of Misuse of Office Equipment	115
Table 18 Perceptions of Household Informants of Extent of Bribery in JLOS Institutions.....	116
Table 19 Perceptions of Key Informants of the Extent of Bribery in JLOS Institutions.....	116
Table 20 Household Perception Accessibility DPP and Probation Services*	119
Table 21 Household Perceptions of Cost to Reach JLOS Institutions	120
Table 22 Household Informants' Perceived Cost of Reaching DPP/State Attorney and Prob. Offices	121
Table 23 Ranking by Household Informants of Most Difficult Institutions from which to get assistance.....	122
Table 24 Ease of Access in General as Perceived by Key Informants	122
Table 25 Household Informant's Views on Community Service as a Sentence.....	124
Table 26 Comparison of Views of Key Informants on Decriminalisation.....	127
Table 27 Key Informant Views on Sentencing	127
Table 28 Perceptions of Key Informants about Treatment of Suspects/Complainants	130
Table 29 Household Perceptions Access Prisoners to Essential Needs	131
Table 30 Household Perceptions of Imprisonment by Police and Prisons Only if Court Orders It	133
Table 31 Household Inform. Perceptions of Extent of Discriminatory Practices by JLOS Institutions	134
Table 32 Key Informants Perceptions of Extent of Discriminatory Practices by JLOS Institutions	135
Table 33 Household Perceptions of Fair Hearings in the Courts	135
Table 33 Extent of Perceived Frequency of Discrimination Based on Status/Wealth by Key Informants.....	136
Table 34 Perceived Extent of Discrimination based on Nepotism – Household Informants ...	138
Table 35 Key Informant Perception of Frequency of Discrimination due to Nepotism	138
Table 36 Household Informants Perception of Discrimination by LC Courts	138

Index of Figures

Part I

1	Trend in Level of Total Crime Reported	28
2	Total Number of Crimes Reported to Police.....	28
3	Reported Crime per 10,000 Inhabitants (Rate) by Region	29
4	Percentage of Respondents Being Involved in a Crime Reporting to Central Government Police.....	30
5	Capital Crimes Reported by Region.....	31
6	Reported Capital Crimes per 10,000 Inhabitants (Rate) by Region	31
7	Serious Crimes Reported by Region	33
8	Reported Serious Crimes per 10,000 Inhabitants (Rate) by Region	33
9	Economic Crimes Reported by region.....	35
10	Reported Economic Crimes per 10,000 Inhabitants (Rate) by Region	35
11	Petty Crimes Reported by Region.....	37
12	Reported Petty Crimes per 10,000 Inhabitants (Rate) by Region	37
13	Area of Crime	40
14	Gender of Suspects Arrested for Capital Crimes	41
15	Gender of Suspects Arrested for Serious Crimes	42
16	Gender of Suspects Arrested for Economic Crimes.....	42
17	Gender of Suspects Arrested for Petty Crimes	43
18	Gender of Suspects Arrested - All Crimes	44
19	Civil Servants in Capital Crimes	45
20	Civil Servants in Economic crimes	47
21	Civil Servants in Petty Crimes	47
22	Civil Servants in Crime	48
23	Armed Personnel in Capital Crimes	49
24	Armed Personnel in Economic Crimes.....	50
25	Armed Personnel in Petty Crimes	50
26	Armed People in Crime	51
27	Juveniles as Victims in Capital Crime	52
28	Juveniles as Accused in Capital Crimes	52
29	Juveniles as Victims in Serious Crime	54
30	Juveniles as Accused in Serious Crime	54
31	Juveniles as Victims in Economic Crime.....	55
32	Juveniles as Accused in Economic Crime.....	55
33	Juveniles as Victims in Petty Crime	56
34	Juveniles as Accused in Petty Crime	56

Part II

1	Average Caseload per CID Officer.....	66
2	Caseload, Throughput and Backlog 1999.....	69
3	Police Staff per 1 Million Inhabitants	77
4	Police Vehicles per Region – Number.....	78
5	Police Vehicles per Region – Percent.....	78
6	Police Vehicles - Average No. of Years Age.....	78
7	Number of Staff per 1 Million Inhabitants	80
8	Percentage of Respondents Being Involved in a Crime Reporting to Police or LC Courts	86

Part III

1 Characteristics of Household Respondents	102
2 Prisons – General Performance	108
3 Police – General Performance	108
4 Magistrates Courts – General Performance	108
5 LC Courts – General Performance	108
6 The DPP – General Performance	108
7 Probation Services – General Performance	108
8 Percentage of Household Informants Perceiving Distance to Be Less Than 5 km to	
Institution	118
9 Percentage of Household Informants Perceiving General Access to Be Easy	121
10 Percentage of Household Informants Pro Instituting Community Service	123
11 Percentage of Households Supporting Community Service for Petty Theft	125
12 Percentage of Household Informants Pro Abolishing Death Penalty	125
13 Percentage of Household Informants Thinking that a Given Crime Should	
Be Decriminalised	127
14 Household Informants Perceiving that Staff Treats Suspects and Offenders Badly or	
Very Badly	129
15 Household Informants Perceiving that Staff Treats Complainants Badly or Very Badly	129
16 Household Informants Perceptions of Arrest and Detention	132
17 Percentage of Household Informants Believing People Get Better Treatment If Rich	136

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This report contains the views of the consultant team, which do not necessarily correspond to the views of the Government of Uganda.

EXECUTIVE SUMMARY

Background

The Justice Law and Order Sector (JLOS) of Uganda has defined its mission as being to enable all people in Uganda to live in a safe and just society. A Strategic Investment Plan (SIP) is being developed for the sector, which puts its emphasis on the following elements:

- To reduce crime incidence by promoting crime prevention and enhanced enforcement
- To promote the maintenance of peace and security and to secure Justice for all citizens in conformity with the laws of Uganda and in keeping with the values, norms and aspirations of the people and of the rights and freedoms enshrined in the Constitution
- To foster a Human Rights culture and amend discriminatory legislation

The JLOS Sector is composed of the

- Ministry of Justice and Constitutional Affairs
- The Judiciary
- Ministry of Internal Affairs,
- Uganda Prisons Service
- Uganda Police Force
- Directorate of Public Prosecutions
- Judicial Service Commission
- Uganda Law Reform Commission
- Probation Services, Ministry of Gender, Labour & Social Development
- Local Council Courts, Ministry of Local Government

With the exception of Probation Services and Local Council Courts, all of these institutions have remained wholly centralized with consequent administrative and management implications. At present Local Administration Police and Local Government Prisons remain outside the system. The Local Defense Units that also undertake some law and order functions is also not yet fully integrated into the national system.

As part of the SIP, two baseline surveys were planned, one focusing on commercial and the other on criminal justice, in order to establish the present status and determine current trends. Progress in the implementation of the reform programme will then be measured through follow up studies. This Report is the outcome of the criminal justice baseline survey, the first to be carried out in Uganda.

Objectives of the Criminal Justice Baseline Survey

The Criminal Justice Baseline Survey had three objectives:

- To produce a Crime Statistics Database from existing records
- To review and evaluate of current efficiency and effectiveness, access to and quality of Justice
- To carry out an end user survey into public perceptions of the efficiency and effectiveness of JLOS Institutions, access to and quality of Justice

The outcomes of these separate activities are contained in Parts I-III of this Report. Part IV presents general conclusions and recommendations.

Activities

The field survey was carried out between October 2001 and May 2002. An Inception Report was prepared and presented in October 2001 and the Crime Statistics Database was submitted in March 2002.

The end user survey in Part III was implemented in tandem with extraction of data from secondary sources for the database contained in Part I and for the situational analysis that is the subject of Part II.

A preparatory activity was the compaction of offences listed in the Police Form 1 that was used for compiling statistics, into the four categories of Capital, Serious, Economic and Petty Crimes (see table 2 below). Police statistics are also summarized according to 13 Police regions. These had to be reorganized to conform with the 4 national regions.

Sources of data for Part II were identified and exploited, while at the same time a sampling frame was developed for the end user survey and survey instruments designed. Researchers were recruited and trained and 1017 Household Interviews were conducted at 29 sentinel sites in 8 Districts, two in each region. This was supplemented by key informant interviews and focus group discussions as detailed in Part III.

Findings

1. Database

The crime statistics in the database were extracted from Police records as presented in their Form I, disaggregated by region and further analysed by gender, age and occupation of offender (where information was available), as well as by rural or urban location.

The registration of crimes is not optimal. The Consultant has experienced gaps in the reporting from Police Regions. Furthermore, there are areas where registration could be improved for statistical/sociological and management purposes.

- ☞ The general level of reported crime has risen from 50,000 in 1996 to 85,000 in 2000.
- ☞ Only 56,566 arrests were made, representing 66% of reported crimes.
- ☞ Overall the increase in reported incidence is matched by a similar increase in crime rates, when population increase has been taken into account of.

Most crime is committed in rural areas, however a disproportionate percentage is reported in urban areas. The apparent over-representation of urban based crime can be explained to some extent by the larger presence and proximity of Police in urban areas. Other substantive factors include migration from rural to urban areas, the density of population in urban areas and the higher prevalence of wealth symbols in urban areas.

With respect to the identity of suspects it was noted that:

- ☞ Males outnumber females by 20 times as suspects
- ☞ The study documents a small but steadily increasing trend in the number of female accused
- ☞ Female juveniles make up a much more significant percentage of accused in all categories of crime

The Consultant finds that the very high and increasing number of juveniles being accused of crimes and the proportion who are female gives cause for concern and needs immediate attention. .

The numbers of civil servants and armed personnel who are accused of committing crimes in any category are very small. Nevertheless it is significant that those who are charged with maintaining law and order or providing role models for young people should feature at all. Of civil servants those in education have the highest percentage, while in the category of armed services, the UPDF features most prominently with 28%.

It was also found that:

- ☞ There is under-reporting of crime estimated to amount to 50%
- ☞ The rate of crime resolution is low
- ☞ Information that is reportedly being collected on the social and economic status of accused persons, is not being consistently recorded.

There are particularly worrying increases in juvenile crime and a smaller but also significant increase in the number of women accused, although women still account for only a very small proportion of offences in any category. In contrast, female juveniles do not only always form a much higher percentage of total juvenile accused, but in some cases are in the majority.

2. Situational Analysis – The Actual Situation

The most serious issue in the current situation is the extent to which there are delays at all stages in the process of prosecuting and resolving cases. These range from delays in police response and investigation, to delays in resolving cases in the Courts. As a result access to justice is severely compromised. The reason for delays is attributable largely to lack of resources, but those resources that are available are not always optimally utilized.

- ☞ Expenditure on JLOS has risen, but not proportional to increases in population and the rate of inflation which has outstripped population growth, resulting in financial constraints that impact on all services.
- ☞ All those interviewed in the JLOS Institutions complained about insufficient staff and a large number of vacancies.
- ☞ On the other hand it was found that available staff were not always rationally and equitably distributed.
- ☞ Physical resources in the form of vehicles, office equipment and even buildings were also reportedly inadequate and more particularly in the case of the Police, what was available appeared concentrated in Kampala and its environs.
- ☞ Inadequate financial resources to operate are further compounded by the lack of vehicles. The lack of adequate transport adversely affects the performance of all JLOS Institutions.

Prisons are overcrowded with remand prisoners representing more than two thirds of those detained. 50% of reported cases of capital crimes are of defilement, many of which are reportedly consensual, involving teenagers, rather than forcible assaults.

Case loads are well above optimum for all categories of JLOS staffs. CID Officer case loads are more than 200% higher than optimal. Caseloads for the DPP and Judiciary are a major factor in case backlog. Delays in trying cases contribute to increasing prison populations. Prison staff are presently only 20% of strength. Not all Districts have even one Probation Officer.

Fragmentary information underlines the fact that access to and quality of justice are well below optimum. In particular the poor do not have access to legal aid or good legal representation in the Courts. The Human Rights Commission and NGOs have also documented a range of breaches of human rights by Police and Prisons, of which the most serious is unlawful deprivation of liberty. The cases investigated also include cruel and inhumane treatment in prisons.

No JLOS Institution has an integrated information management system designed to generate reports that can be used for analysing crime incidence, trends, costs and constraints.

The Consultant is concerned with the ambiguous status of Local Administration Police and Local Government Prisons.

3. The End User Survey – End User Perceptions

The end user survey, utilizing both quantitative and qualitative techniques, was carried out at 58 sentinel sites in 29 counties, in 8 purposively selected districts, two in each region, one of which represented the less and the other the better endowed districts in that region. Altogether 1017 households were covered by the survey, 16 focus group discussions were facilitated and 28 key informants in 12 institutions and departments interviewed.

The Household Informants had the following characteristics:

- 👉 Household Informants were either Household Heads or their spouses.
- 👉 Between 16% and 48% of Household Informants in each Region were female.
- 👉 Two thirds had had more than 4 years of primary school and more than one third had secondary education
- 👉 The main occupations of Household Heads were farming, trading, teaching and other government employment, while some were either professionals or craftspersons.
- 👉 More than 60% owned bicycles except in Central Region where 22% own cars
- 👉 Between 55% in the Eastern Region and 87% in the West and Central Regions own radios

There was considerable variation in the views expressed by informants in the household survey about the general work performance of JLOS Institutions as well as their particular efficiency with respect to public relations, speed of operations, and accountability. These differences in viewpoint could reflect real variances in the services provided in different districts by the several institutions, or they could be influenced by general social and cultural factors or particular historical issues and events.

Household informants rated the general performance of JLOS Institutions to be from fair to good, but were more critical of their speed of operations, particularly with the Courts and found staff intimidating. Between 49% in the Eastern Region to 71% in the West considered it was difficult to get assistance from any Institution. The Police were ranked as being the most difficult of JLOS Institution from which to access services.

A large majority of respondents did not know enough about the DPP and Probation Offices to given an opinion about their work. Whereas few people need to have direct dealings with the DPP, the fact that so little is known about the Probation Staff is cause for concern.

The institution most approved of are the LC Courts because they are nearby, do not charge much for their services and use familiar more customary methods of reaching decisions..

End users were most united in their assessment of the extent to which JLOS Institutions fail to promote and protect human rights. It became clear that the general public believes that staff of JLOS Institutions misuse their powers and discriminate in favour of those who can pay for their services. Few believed that the 48 hour rule is always adhered to or that those arrested or imprisoned are given adequate food, water or medical care. Moreover:

- 👉 A majority of respondents in all regions supported decriminalization of adultery and homosexuality but fewer were in favour of removing being idle and disorderly from the list of offences.
- 👉 More than 75% favour community service but there was little agreement on which offences could carry such a penalty.
- 👉 A minority of Household Informants favour abolition of the death penalty altogether, between a low of 23% in the Western Region and 37% in the Central Region. Respondents were however unanimous in proposing that treason be removed from the list of capital offences.

Recommendations

Based on the above findings, comments and conclusions, the Consultant recommends the following:

1. Database and Information

- ☞ To establish a unified national system of crime reporting that will facilitate tracking and analysis of cases, suspects and offenders in a comprehensive manner, that includes sufficient parameters to allow for sociological and criminological studies as well as providing a basis of policies, plans and strategies. This implies redrafting of Form 1 to include employment status of all suspects and to reflect the criminal age of responsibility and a system of identification to link it with databases in other JLOS Institutions. See also section 2 on Efficiency and Effectiveness regarding management information systems.
A national system of crime reporting should be closely linked to targets and indicators developed by the sector. The developing of targets and indicators are recommended below.
- ☞ To undertake a case study to assess the reliability of the information currently recorded by the various police stations by visiting samples of police stations in the different regions.
- ☞ To undertake a separate study on the rising trend in crime to determine factors that effect the trend and whether specific preventive measures could be undertaken. Particular attention should be given to the rise in serious and economic crime in Central Region. The study must, to achieve a more detailed picture of the development in the crime, focus on specific types of crime and not categories of crime.
- ☞ To monitor, review and assess changes in the ratio of male/female suspects over the coming years and if the present trend continues undertake a study to establish the reasons for such development.
- ☞ To undertake a study on juveniles' involvement in crime.

2. Efficiency and Effectiveness

- ☞ To develop targets and identify indicators against which outputs, outcomes and impact may be measured. It is recommended that a study be undertaken involving all the institutions in the sector to develop targets and indicators.
- ☞ To develop an integrated management system for JLOS that will permit routine monitoring and evaluation of specific parameters including costs.
- ☞ To ensure a more strategic investment in the sector to make efficient and effective use of the limited available funds. It is recommended that a study is undertaken to identify alternative solutions in terms of adjusting costs to achieve substantive gains in JLOS reform.
- ☞ To further review the options for an even more efficient co-operation among the institutions in the sector. In a sector where the overall outputs are so dependent on the efficient co-ordination between the institutions, a close co-operation must have the highest priority. The nature of the closer co-operation shall ultimately be derived from the targets set by the sector, as suggested above.

3. Access to Justice

- ☞ Resources of JLOS Institutions should be disposed to reflect crime incidence and crime rates and also the particular nature and problems of crime by region and district. The disposing of resources would be closely tied to the development of targets for the sector and the development of management information systems.
- ☞ All JLOS Institutions to develop strategies and initiate projects and programmes to combat the widespread and widely accepted corruption of officials, including making information more readily and publicly available and visible on human rights as they affect their operations.
- ☞ That the age of consent is lowered and/or there should be a gradation in the definition of the crime defilement so that consensual sex can be differentiated from the use of force or authority. The former could be prosecuted as a less serious crimes.
- ☞ The possibility of establishing a centrally placed data centre for collection of statistical information on crime should be reviewed. It is also recommended that the sector reviews the costs and benefits of establishing a Criminological Institute.
- ☞ The Local Court system should be strengthened and more powers devolved on them. This of course also implies extensive training and education and support from the formal Court system as well as from the Ministry of Local Government.
- ☞ Although there seems to be a widespread acceptance of decriminalizing minor and morality crimes and of limiting the offences for which the death penalty is prescribed, further review is required in order to ensure that proposed changes are in keeping with social norms and values.
- ☞ To assess the cost of naming and sign posting all roads in major cities and towns, to prepare maps of all major cities and towns for the purpose of easing Police access to sites of crime.

4. Quality of Justice

- ☞ More emphasis should be placed on civic education for all.
- ☞ Consideration should be given to Ombudsmen or citizen's advice bureaux in every District to provide information and to assist with appeals. Alternatively or to begin with, posters to be developed and displayed in all police and court stations which clearly spells out citizen rights vis a vis the JLOS.
- ☞ The scope and responsibilities of the Probation Department should be reviewed and the staff establishment enlarged so that they can more effectively complement and support Police, Courts and Prisons in the management of suspects and rehabilitation of offenders.

INTRODUCTION

1.1 Background

The Justice Law and Order Sector (JLOS) of Uganda has defined its mission “as to enable all people in Uganda to live in a safe and just society”. A strategic investment plan for the JLOS is being refined and will be complete once the strategies of all the institutions in the sector have been combined.

As part of the programme two types of baseline surveys are to be conducted. One focuses on commercial justice reform and the other on criminal justice reform. The baseline surveys shall measure the progress of the reform strategy and have been planned to be carried out at the start of the programmes and thereafter regularly.

This report gives an account of the findings from the criminal justice baseline survey in the following three parts:

- A Crime Statistics Database
- An Efficiency and Effectiveness analysis
- Findings on End User Perceptions and Actual Qualitative Data Analysis

1.2 The Justice Law and Order Sector

A better understanding of the criminal justice baseline survey can be derived by considering the constitution, mission, strategic guidelines and policy objectives of the Justice Law and Order Sector.

The JLOS institutions are:

- Ministry of Justice and Constitutional Affairs
- Ministry of Internal Affairs
- The Judiciary
- The Uganda Prison Services
- The Uganda Police Force
- The Directorate of Public Prosecution
- The Judicial Service Commission
- The Uganda Law Reform Commission
- Ministry of Gender Labor and Social Development, Probation Services
- Ministry of Local Government, Local Council Courts

The JLOS mission is, in part, derived from the Poverty Eradication Action Plan (PEAP) and the policy objectives of the PEAP which are:

- Creating a framework for economic growth and transformation
- Ensuring good governance and security
- Directly increasing the ability of the poor to raise their incomes
- Directly increasing the quality of life of the poor

The JLOS in line with the PEAP seeks to use the following principles as its strategic guidelines:

1. To contribute to the PEAP aims and to work towards the reduction of poverty
2. To promote knowledge and a respect for good governance and human rights principles by:
 - Working towards implementation of the human rights as enshrined in the Uganda Constitution
 - Working towards implementation of the international human rights principles and conventions to which the Government of Uganda is a signatory
 - Promoting systems of social and financial accountability and transparency across the JLOS institutions

The policy objectives that support the mission of the JLOS are:

- Fostering a human rights culture across the JLOS institutions
- Promoting the rule of law
- Securing access to justice for all people, particularly the poor and other marginalized groups
- Amending all laws and legislation that are discriminatory
- Ensuring a significant reduction in the incidence of crime, particularly crime that is defined by the people as serious/capital crime
- Promoting the principles of crime prevention as well as enforcement
- Encouraging grassroots voice and community involvement across all JLOS institutions
- Strengthening structures for commercial justice, particularly at grass root level

The JLOS has a broad policy in the medium term to maintain law and order and increase access to justice for all persons through infrastructure reform, law reform, improved legal services and civic education.

That policy is broadly organised into four groups:

1. Legal Services. The JLOS seeks to increase accountability, efficiency and equity of access in the administration of justice. The sector is also committed to reducing the number of prisoners on remand and case backlog in both criminal and civil cases. The sector also recognizes that access to justice, particularly for the poor, requires that the services must be brought closer to the people.
2. Administration of Justice. The JLOS seeks to increase the effectiveness of the administration of justice through improved service delivery.
3. Civic and Legal Education. The JLOS will promote the principles of justice, law and order.
4. Law Reform. Reform of laws to reflect aspirations of the community they serve whilst protecting the rights of all disadvantaged groups.

Through the implementation of these policy objectives, the JLOS is committed to maintain law and order, increase access to justice for all persons, remove inefficiencies across the sector, improve physical infrastructure, enable institutional changes across the JLOS, institute law reform, promote community based legal services and civic education and strengthen the enabling environment to encourage more private sector investment.

1.3 Activities Undertaken

Since the beginning of the assignment on November, 22nd 2001, the Consultant has undertaken the following main activities:

- Gathered and reviewed background documents and secondary data
- Visited a large number of JLOS institutions and private organisations for interviewing and conduct of a mini survey on perceptions of the efficiency, effectiveness, quality and access to JLOS institutions and their services
- Held several meetings with the Client
- Interviewed and appointed persons to be employed as Research Supervisors and Assistants
- Prepared questionnaires to be administered by the Research Supervisors and Assistants
- Pre-tested the questionnaires
- Prepared and submitted an Inception Report
- Collected the data necessary for drafting this report
- Conducted household interviews and focus group discussions in eight districts in the four regions
- Conducted a mini survey with key informants
- Drafted this report

1.4 Structure of the Report

The first part of this report is based on the data collected by the Consultant from the Uganda Police Force CID headquarters in Kampala. The data has been structured to portray the regional occurrence of crime divided into the four categories of crime agreed upon with the Client (capital crime, serious crime, economic crime and petty crime). **Part I** describes the general trend in reported crime with regard to gender, rural/urban areas, employment (civil servants and security personnel) and age (juvenile/non juvenile).

Part II reports on the actual situation, more especially efficiency and effectiveness in the JLOS. The description of the actual situation has been derived from records of NGOs, other studies and perceptions of household informants who had had direct experience of dealing with JLOS Institutions as complainants, suspects or witnesses.

Efficiency and effectiveness have also been measured by comparing expenditure in the JLOS against a number of parameters such as crimes reported, the size of the population, number of staff assigned to solve crimes, crime rates and staff caseloads. With this information, the JLOS has a good statistical background for assessing its own efficiency/effectiveness and whether investment in the sector is optimal for the level of crime over time.

Part III is based on perceptions obtained by interviewing individual households, by holding focus group discussions, and interviewing key informants. By using the same key questions, it was possible to compare responses from individuals and groups with very different backgrounds and knowledge of the JLOS. The outcome of this exercise will give the JLOS a good insight in how the individual institutions are perceived by the population, whether they are perceived to adhere to basic human rights and will also reveal views on capital punishment, community service, and the “decriminalisation” of certain crimes.

PART I

THE CRIME STATISTICS

2 Introduction Part I

Part I of the report is based on data collected by the Consultant from the Uganda Police Force CID headquarters in Kampala. The data has been structured to reflect the regional occurrence of crime divided into the four categories of crime agreed upon with the Client (capital crime, serious crime, economic crime and petty crime). Part I describes the general trend in crime with regard to gender, rural/urban areas, employment (civil servants and security personnel) and age (juvenile/non juvenile).

3 Methodology

The Crime Statistics database created by the Consultant is built on data centrally available in Kampala from the CID Police Headquarters. The data is found in Form 1, which is a summary sheet of crime reported per police region. Uganda is divided into 13 police regions, and each submits a copy of the Form 1 per year for their region.

More specifically, the information gathered from Form 1 includes statistics on reported crime, and how the Police have dealt with the reported crime in the years 1996-2000. Form I contains aggregate numbers of reported crime, numbers of persons arrested, numbers charged in Court and numbers sentenced during the previous year.

Data was entered into SSPS soft ware at Police CID Headquarters for data processing and analysis and preparation of this component of the report. A copy of the database in SSPS is available with the Justice Law and Order Secretariat.

The data base results are presented as per the 4 major national regions, which have been abstracted from the Police administrative regions. The Consultant clustered the 13 Regions of the Police into the 4 major national Regions, namely: The East, West, North and Central regions.

The relationship between the 4 national regions and the 13 Police regions is presented in the following table 1.

Table 1 Geographical Regions, Police Regions and Administrative Areas

Geographical Region	Police Region	Areas of Operation	
Eastern	Eastern	Soroti Mbale Kumi Katakwi Kaberamaido	Pallisa Tororo Busia Sironko Kapchorwa
	South Eastern	Iganga Jinja Kamuli	Mayuge Bugiri
Western	Western	Bundibugyo Kamwenge Kasese	Kabarole Kyenjojo
	South-western	Mbarara Kabale Kisoro Kanungu	Rukungiri Ntungamo Bushenyi
	Mid Western	Hoima Kibaale	Masindi
Central	Southern	Masaka Rakai	Ssembabule Kalangala
	Central	Mpigi Wakiso Luwero Kayunga	Mubende Kiboga Nakasongola Mukono
	Kampala Extra	Kira road Wandegeya CPS Jinja road	Katwe Old Kampala Kawempe
	Railways CID Headquarters	Railways Kampala	
Northern	Northern	Gulu Padera Kitgum	Lira Apach
	Northwestern	Yumbe Adjumani Arua	Nebbi Moyo
	North-eastern	Kotido Moroto	Nakapiripiriti

Police Form 1 lists 38 classes of crimes, which have been grouped into the four (4) following major categories after consultation with the Client, namely: Capital crime, Serious crime, Economic crime, and Petty crime. These categories are defined by the following criteria:

- ☞ Capital crime is one punishable by death or life imprisonment
- ☞ Serious crime constitutes crimes that involves a penalty of more than two years imprisonment,
- ☞ Economic crimes involve those crimes where there is a loss of pecuniary nature, obtaining money by false pretence, fraud, forgery, abuse of office etc., as well as simple theft, burglaries and housebreaking,
- ☞ Petty crimes include common assault, being idle, and disorderly, vagrancy etc.

The translation table below further sets out the definition of each cluster of crimes:

Table 2 Translation Table for Reported Crimes (based on Police Form I)

Translation Table for Reported Crimes (based on Police Form I)	Cat. 1: Capital Crimes	Cat. 2: Serious Crimes	Cat. 3: Econom. Crimes	Cat. 4: Petty Crimes
Sedition		✓		
Treason	✓			
Unlawful societies, unlawful assemblies and riot		✓		
Corruption			✓	
Escapes		✓		
Rape	✓			
Indecent assaults		✓		
Defilement	✓			
Idle and disorderly person, etc				✓
Adultery				✓
Elopement				✓
Murder	✓			
Attempted murder		✓		
Manslaughter		✓		
Aggravated assault		✓		
Common assault				✓
Theft of motor vehicle			✓	
Theft from motor vehicle (other property)			✓	
Embezzlement			✓	
Thefts (all other kinds)			✓	
Robbery		✓		
Aggravated robbery	✓			
Burglaries and house breaking			✓	
Shop breaking and other breaking			✓	
False pretence, etc.			✓	
Receiving stolen property			✓	
Arson		✓		
Forgery and uttering			✓	
Counterfeiting			✓	
False cheque			✓	
All other penal code offences				✓
Firearms Act		✓		
Traffic Act				✓
Dangerous Drugs Act		✓		
Liquor Act				✓
Enguli Act				✓
Immigration Act				✓
Game Act		✓		

3.1 Parameters for Crime Statistics Interpretation

There are a number of assumptions underlying the interpretation of the statistics presented in the crime database, and thus the data is subject to a number of limitations as indicated below.

The Recording of Crime Data:

It is assumed that records will not necessarily capture all crimes. In particular, there is likely to be a tendency of not reporting incidences of petty crime; and more complete reporting of capital and serious crimes, although it was also suggested that many cases of defilement are also being dealt with outside the formal legal system. Form I, therefore, does in all likelihood under represent occurrence of crimes falling into the category of petty crime, and to a lesser extent the other categories.

It is also assumed that an uneven distribution of Police posts and stations is likely to result in an uneven recording of crimes. In areas where the distance to the Police posts or stations is greater than in other areas, it is probable that victims will be less likely to report the crime. This has implications also for the rural/urban distribution of crime since Police posts are generally more accessible to those in urban areas.

Similarly, the distribution of police personnel has implications with respect to the extent to which cases are investigated, and thus on the proportion of cases which result in a suspect(s) being arrested and charged. The availability and expertise of Police personnel will in addition impact on the numbers of resolved Court cases, since the Courts rely on the police to carry out investigations and delays inevitably impact on the successful prosecution of cases in the Courts.

It was also noted that irregular supply of stationary including Form 1 may also have resulted in inaccurate reporting by local police posts.

The categorisation of crime in the Form 1 also requires good knowledge of the law. It is, thus, not unlikely that some police officers may have an inadequate knowledge of the law and consequently may have recorded crimes in the wrong categories.

“With regard to juvenile crime, Police Form I records reported crime for all ages from 0. Given that the age of criminal responsibility begins at age 12, there is a lack of clarity as to the results of those arrested below this age.”

Availability of Crime Data

Regional Form 1 reports were not submitted for all regions for all years to be covered as part of the survey. The Consultant thus assembled all available regional reports. The missing regional / district reports could possibly account for some of the perceived irregularities in the development of crime as reflected in the table and graphs of this report.

In addition, some annexes to the Form 1 were missing for the year 1999. As a consequence, the Consultant has not been able to include data for the year 1999 in some of this report's figures and tables. This inevitably has implications for the assessment of crime trends. Furthermore, **Form 1** and/or its appendices omit:

- ☞ Details on income levels or occupation of the victims or the accused.
- ☞ Information on age except for whether the person was juvenile or not.

Thus the data cannot at all be disaggregated by income level and only to a limited extent by age (juvenile / non-juvenile).

Finally, Form 1 summaries did not include whether any particular reported crime resulted in an arrest or a charge, although there is provision to do so. Consequently, it is not possible to calculate the rate of arrests / charges to the number of reports made by victims.

Interpretation of the Data:

It is important to note that reported crime does not equal the actual number of crimes committed. Indeed, many factors come into play on the relation between committed and reported crime some of which have been listed above.

Part I focuses on numbers of reported crimes (the incidence of crime), and not crime rates (crime per capita). It must be kept in mind that increases in numbers of reported crime do not necessarily imply an increase in rates as the population in the area could have increased more than the number of crimes.

It should also be noted that trends in reported crime cannot be explained purely on the basis of crime statistics and analysis of crime trends, although certain general suppositions can be made. The figures in the **crime statistics database (Part I)**, are thus only reflections of what has been reported with regard to crime. **Parts II and III** shed more light as to some of the causes of crime. In this regard, however, it must be kept in mind that the household and mini surveys record respondents perceptions and not objectively verifiable cause / effect relationships. Thus, interpretation of the figures in Part I with regard to causes of the crime are inappropriate as the figures only reflect what happened (to some extent) and not why it happened.

For instance a high incidence of crime may be a result of:

- ☞ An actual increase in number of crimes committed due to social and economic factors
- ☞ More complete reporting as result of increased numbers of and better distribution of Police officers
- ☞ More complete reporting as a result of increased trust in the Police
- ☞ External factors such as civil unrest (war), elections, drought or other natural disaster

A decline in the incidence of crime could be interpreted as due to:

- ☞ An actual decrease in number of crimes committed due to social and economic factors
- ☞ A higher Police presence. thus deterring criminals
- ☞ A decrease in the proportion of crimes being reported due lack of trust or other inadequacy of Police presence

It will be necessary to carryout more in-depth studies to adequately explain the reasons for increases or decreases in reported crime, and the precise factors that are responsible. Further investigation should preferably focus on data on a crime by crime basis. Part II and III of the survey shed more light on some of the above-mentioned issues.

Since Part I also uses four main categories of crime, it should be noted that these categories contain a "basket of crimes". Thus a de- or increase in a particular crime can affect a whole category. To get a more accurate picture of what may cause a change, there is need to investigate the trends of all crimes in each category from the Form 1.

It is thus recommended that the statistics be used primarily to trace developments and to identify key areas of concern.

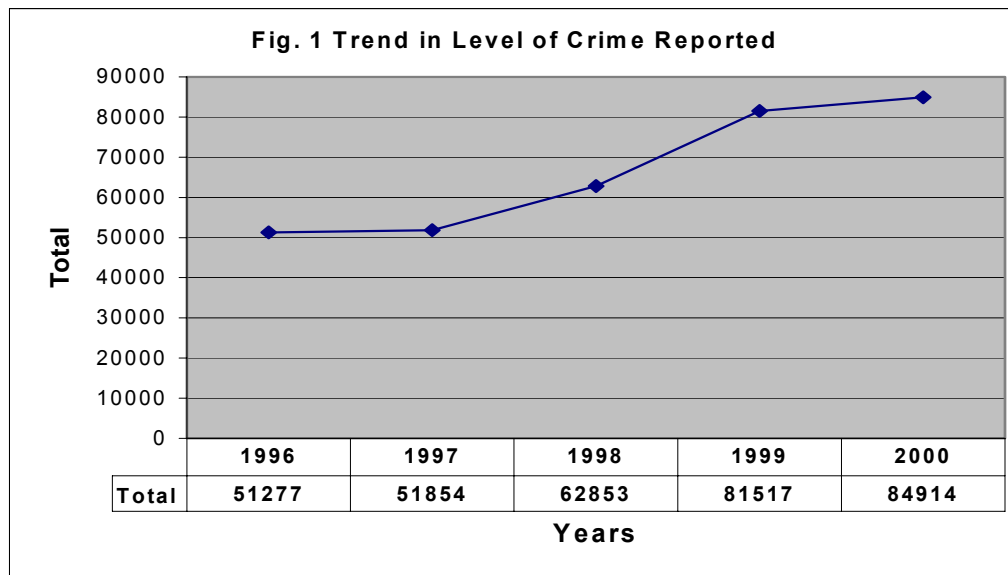
The key areas of concern should become the subject for special studies for the purpose of establishing cause / effect relationships, to enable the JLOS better intervene to improve the functioning of the sector.

Although it is difficult to conduct a thorough analysis of causes and trends based on reported crime only, it is, however, possible to take particular note of the trend in some categories that would indicate a need for further study. Categories of crime for which it is recommended that further review and assessment be carried out are those of a serious or capital nature such as murder and aggravated robbery, since it is reasonable to assume that the vast majority of these crimes are reported to police.

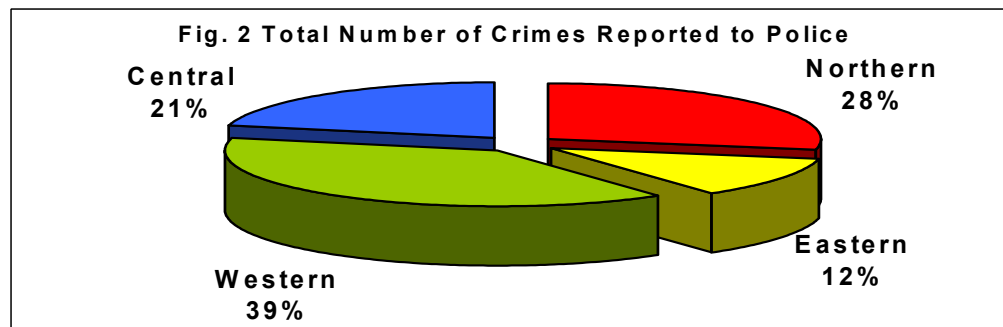
4 Crime Reported by Category of Crime

4.1 All Categories of Crime

The general level of reported crime has risen from 50,000 in 1996 to 85,000 in 2000 (see figure 1 below). Beginning with a modest increase from 1996 to 1997, the increase multiplied up to 1999 where it then levelled off. The increase over the period can be interpreted either as an actual rise in crime, to more efficient policing or even greater confidence by the general public in the Police.



The distribution of reported crime by region is shown below for the total number of reported crimes.



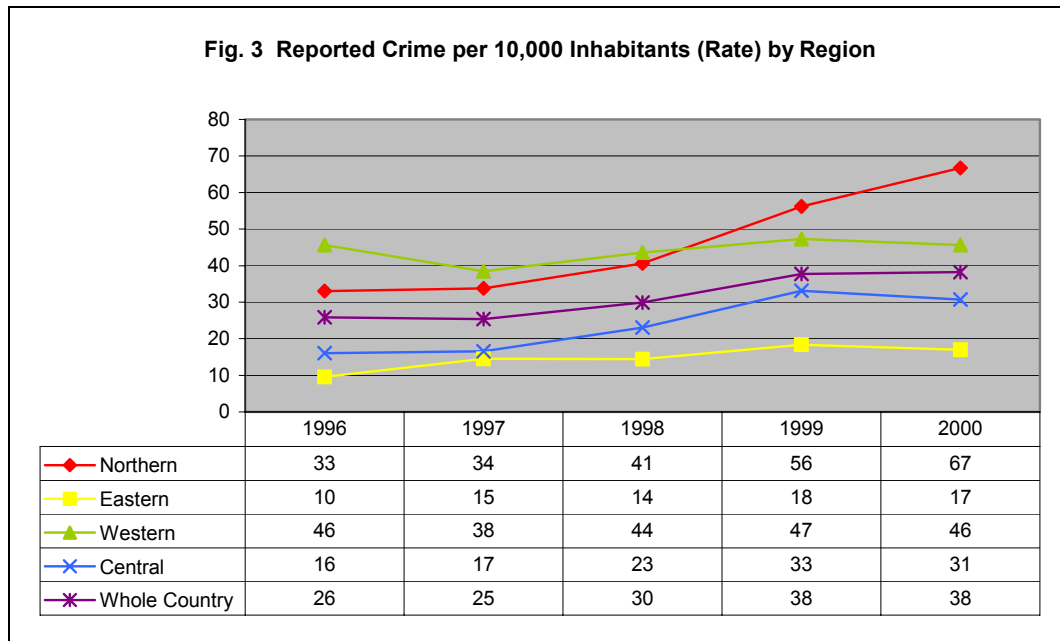
In general, the Western Region had more reported crimes than all other regions, followed by the Northern and then the Central region, with the Eastern region having the least number of crimes reported to police.

A comparison of fig. 14 to fig. 18, which depicts the proportion of arrests by gender, illustrates that although the number of reported crimes is on the increase, this is not matched by a similar increase in the numbers of arrests. In fact, between 1999 and 2000 there was a decline. This points to a possible decline in Police efficiency in carrying out investigations and certainly to a lower level of effectiveness in combating crime. It has however also to be appreciated that there are other factors that may account for this trend, one of which could be an increase in reporting by the Public of incidences that are not appropriate to prosecute further. This could further mean the growth of greater confidence in the Police.

It should also be noted that for the year 2000, 84,914 crimes were reported (fig. 1) whereas only 56,466 arrests were made (fig. 18). Although we assume that for some of the reported crime more than one suspect is arrested, this nonetheless means that in a great number of other cases no arrests have been made at all.

This issue of effectiveness and efficiency will be further elaborated on in Part II of this report.

Overall crime rates show a rising trend as is evidenced in Fig 3 below

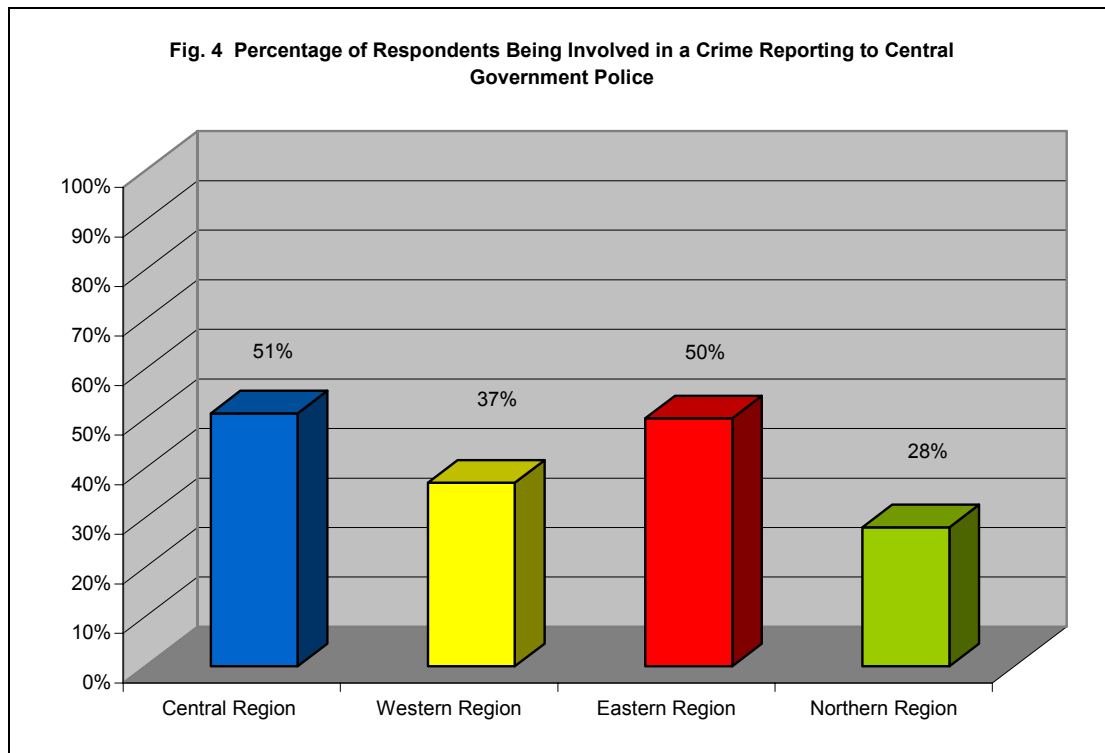


While the overall crime rate as calculated per 10,000 inhabitants illustrates a general, but not dramatic, rising trend up to 1999, after that year the rate for the whole country and for all regions except the North level off. By contrast, in the North there was a significant increase between 1999 and 2000. This may, in part, be attributed to the corresponding dramatic increase in petty crime (see fig. 11) over the same period; and the fact that in terms of numbers, petty crimes feature strongly in total crime statistics.

It is, however, noteworthy that the trend in the North contrasts so greatly with that elsewhere, pointing to the need to carry out further investigations to establish the factors involved in this particular crime.

As discussed above, the reported crime figures do not correspond directly to actual crime committed, as some crime may go unreported for a number of reasons.

To arrive at a rough estimate for committed crime, Household Informants (for a full account of the Household Survey please see parts II and III of this report), were asked whether they reported crime(s) in which their household members had been involved. 50% or less of these crimes were directly reported to the national Police Force. The percentage reporting to Central Government Police are as follows (this figure is also exhibited in Part II – Quality of Justice):

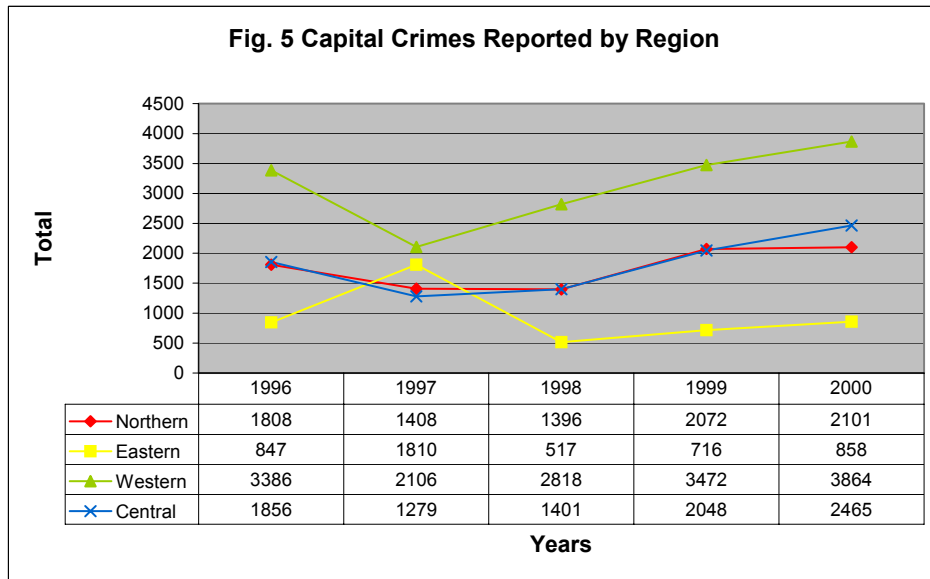


It can, thus, be assumed on the basis of these figures **that a probable 50% of crimes go unrecorded**. The total number of offences that remain hidden in this way is likely to be even higher, as many people do not trouble to report minor thefts, defilement, by and large, remains secret, and many assaults, especially within the domestic context, are likely to be handled informally. As has already been noted, Police records are likely to provide a more complete picture of the incidence of serious and capital crime (with the exception of defilement) than for economic and petty crime.

It is, thus, recommended that separate studies be carried out to identify and analyse the factors impacting on incidence and rates of crime with respect to areas of perceived priority. Further desegregation, however, needs to be done with respect to the baskets of Serious, Economic and Petty Crimes to establish trends with respect to specific types of offence.

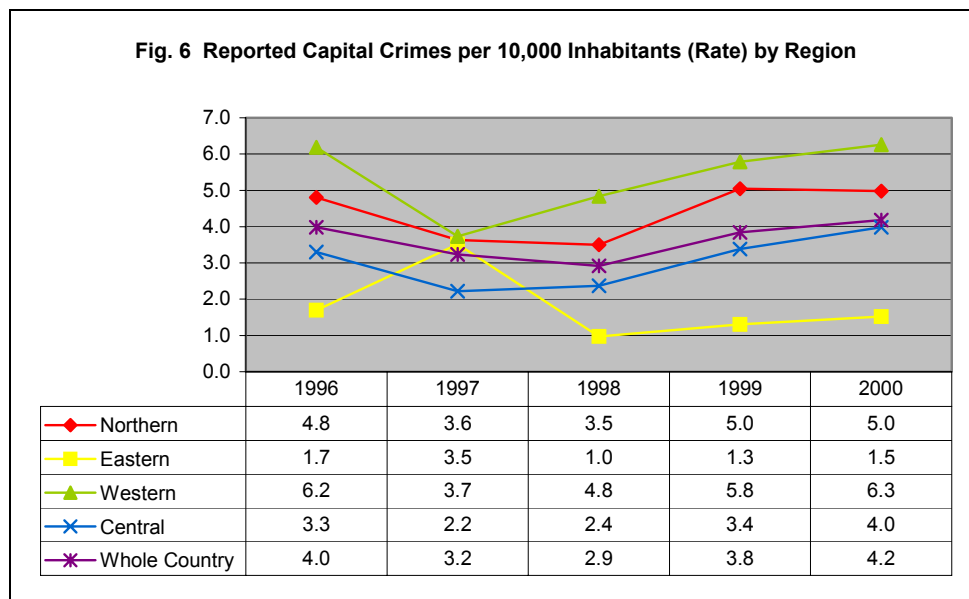
4.2 Capital Crime

The total number of capital crimes has been captured by region i.e. Northern, Eastern, Western and Central regions, and the summary is indicated in the line graph shown in Fig. 5 below.



In Western and Central Regions it is clear that reported capital crimes are increasing but this increase has not been consistent over the full five years.

There is a drop in reported cases in the Western Region from 1996 and numbers of reported crimes had not reached the 1996 level by 1998. There were corresponding falls in reported crime incidence in both Central and Northern Regions between 1996 and 1997, while the figures for the Eastern Region peaked in 1997 and thereafter dropped.



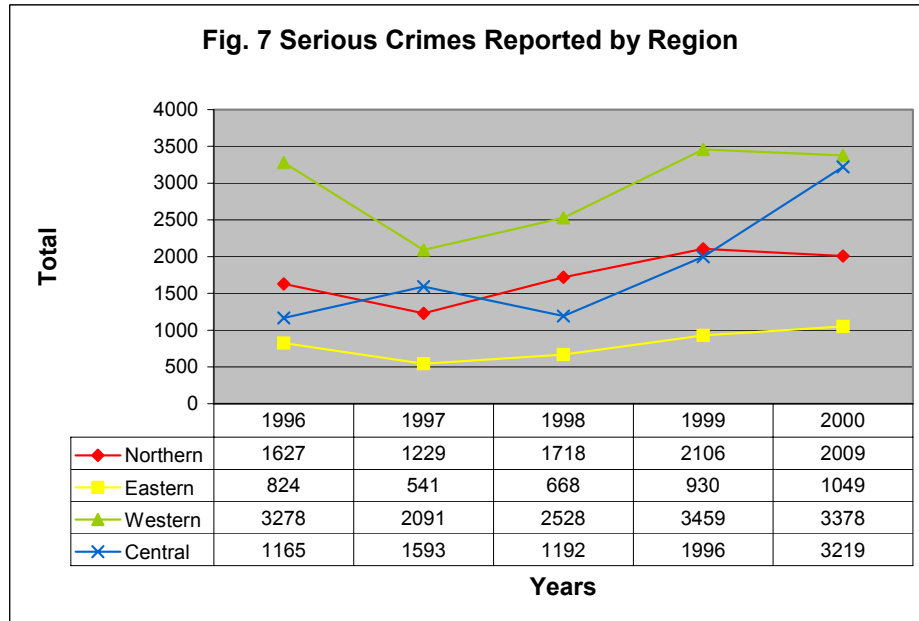
Capital crime rates show the same general trend as reported incidence. Crime rates have been calculated per 10,000 inhabitants of each region and for the country as a whole. While there is an increase in rates from the baseline, there are also unexplained dips in other years for all regions. See Fig. 6 above.

Since, as with other categories of crime, Capital Crimes for purposes of this analysis include several classes of offence, it must be noted that they contain a “basket of crimes” any one of which could be responsible for any increase or decrease in the category.

The drop in capital crime in Eastern and Western Region should be subject for further investigation, and “best practice principles” if any adopted for other regions in the prevention of crime.

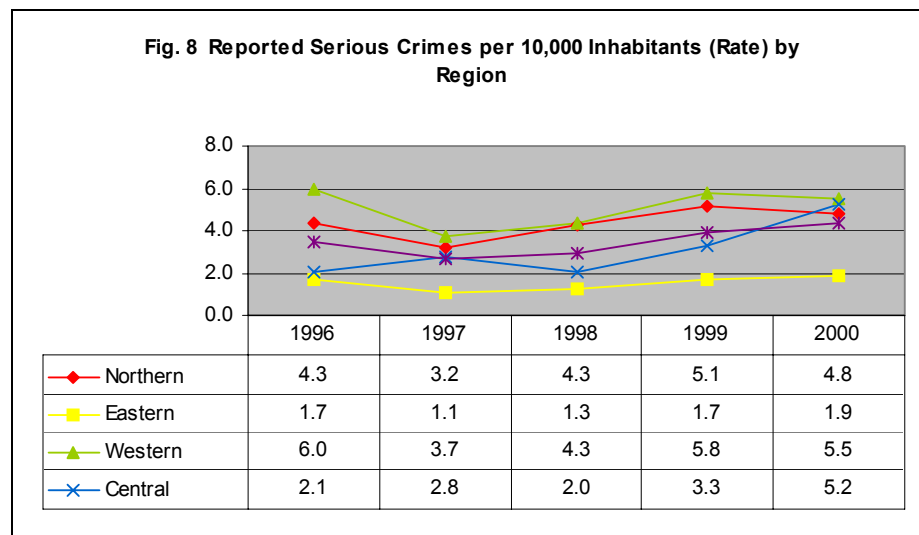
4.3 Serious Crime

The total number of **serious crimes** reported to police from 1996 to 2000 is shown in Fig. 7 below.



Again, the data indicates gradually increasing numbers of crimes in each region, although the rate of increase varies considerably. More specifically:

- There was a substantial drop in reported serious crime in the Western Region in 1996
- The Northern Region together with the Eastern Region experienced a more modest drop.
- The Central Region shows the most dramatic increase in number of serious crimes (300%), rising from a level of 1200-1500 up to over 3000 in year 2000.

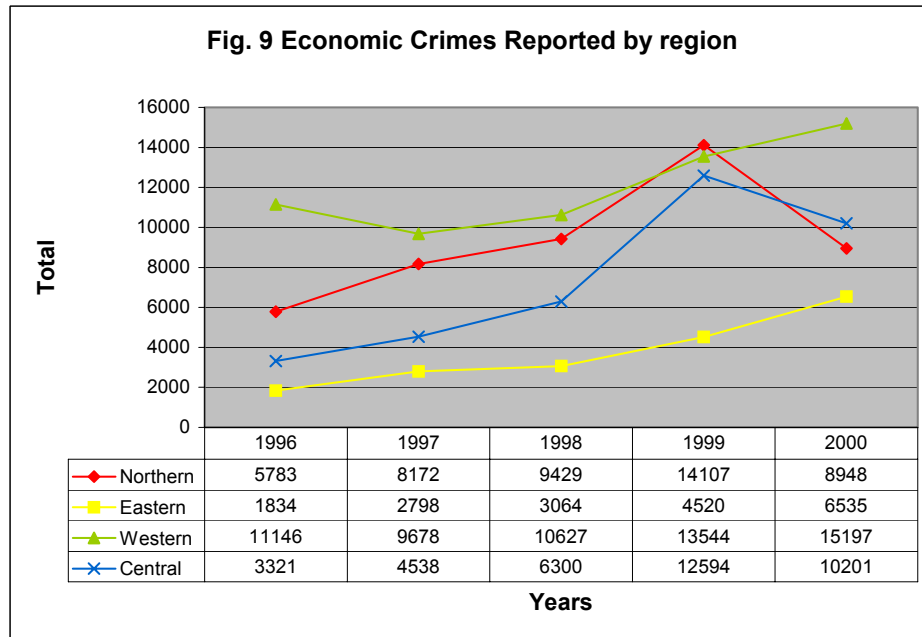


“Serious” crime rates show the same pattern over the last five years, as with incidence, as illustrated in Fig 8 above. It should be noted that with the exception of the Central Region the base rate in 1996 has never been exceeded. The reasons for this cannot be readily determined from the statistical data alone and further study is needed to establish causes.

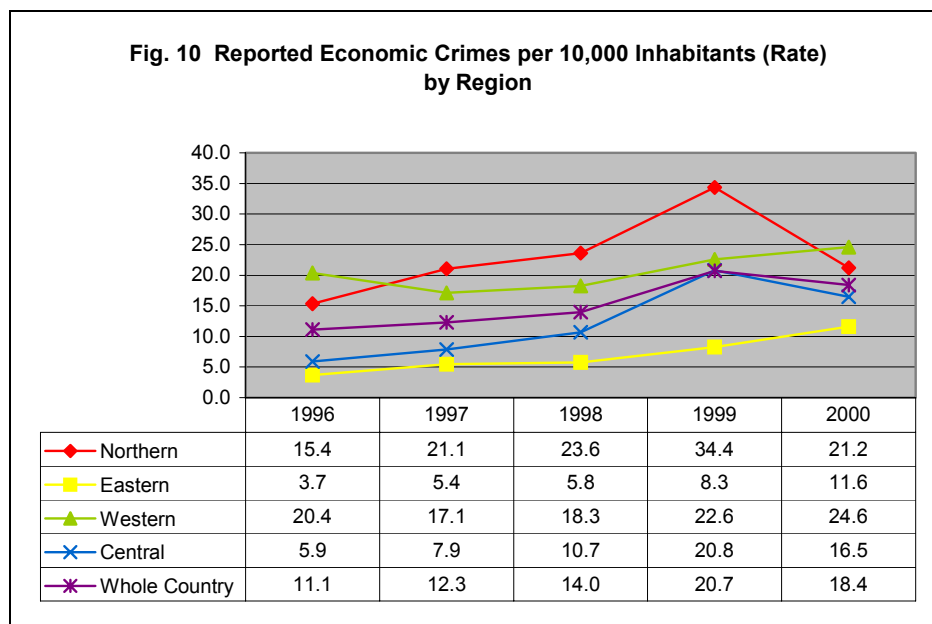
It is further recommended that the steep increase in serious crime in urbanised Central Region that cannot be accounted for by population growth should be subject for further study, including a breakdown in into separate crimes.

4.4 Economic Crime

The trends in economic crimes that were reported to the Police are presented in Fig. 9 below.



With the exception of the Western Region, where fewer economic crimes were reported in 1997, there was a rising trend up to 1999 in all Regions. Thereafter, the levels in Northern and Central Regions show a drop while the numbers of reported crimes in the other regions continue to rise. The Economic Crime Rate, unlike the rate for both Capital and Serious crimes, shows a major increase since 1996 peaking in 1999 and dropping in 2000 as illustrated in Fig 10 below.

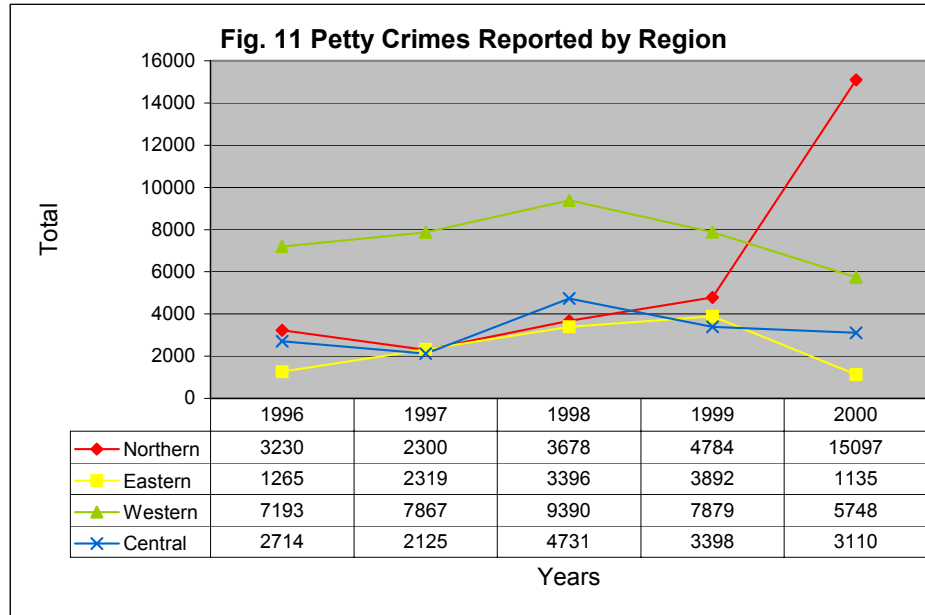


Since economic crimes contains a diversity of offences, including embezzlement, it is not possible to account for either the earlier increase nor the drop in 2000 purely on the basis of secondary statistics.

Underlying causes for the disproportionate change in rate from year to year should be further investigated both by specific offence and location. Priority should be given to studies of those crimes which feature most prominently in the statistics.

4.5 Petty Crime

The petty crimes recorded by police are presented in Fig. 11 below.



Interpretation of the steep increase in the North for this category of crime should take into account that some types of petty crime, such as being “idle and disorderly” are usually pursued by the Police as part of a joint exercise with other JLOS institutions or local authorities, as a mechanism for crime prevention, and it is thus possible that there was a concerted campaign during that year in the North, while in other regions alternative strategies were used.

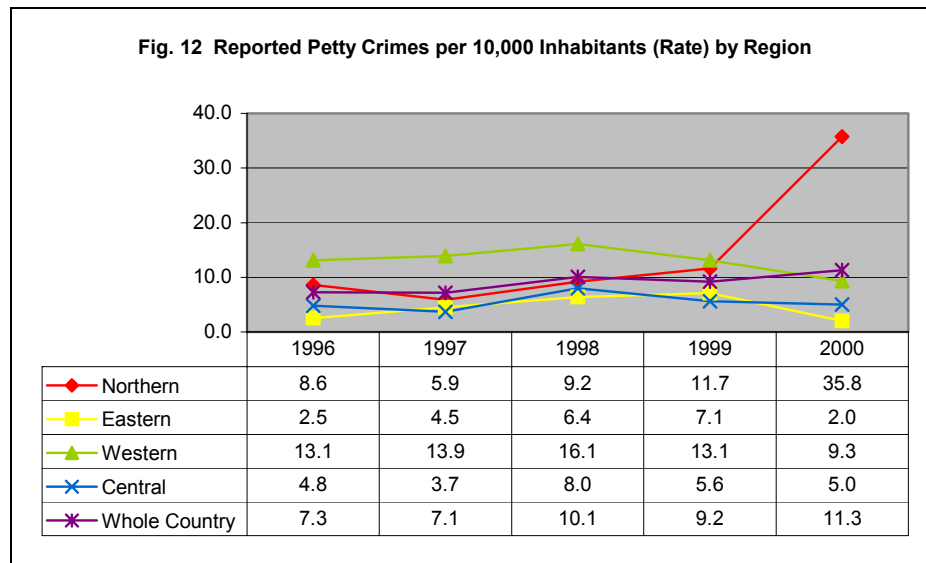


Fig. 11 does, however, illustrate a different pattern than the other types of crimes reported on above. In three regions – East, West and Central the graph is relatively flat with a limited reduction in cases since 1998. In the North, on the other hand, while there is little change up to

1999, from 1999 to 2000 there has been an extraordinary increase. Such an increase must be further investigated by analysing the Form 1s from Northern Region.

As Fig 12 above shows, Petty Crime Rates follow the same trend as that for incidence. There is little change in rates between 1996 and 1999, thereafter while the rate for both Central and Western region remains stable or stagnate, the rate for the North dramatically rose in 2000, while that for the Eastern Region shows a decline.

The reason for the apparent anomaly in statistics for the Northern Region for the year 2000, and the causes of the drop in the Eastern Region should be a subject for study to establish if this was due to improved policing strategies or just a temporary anomaly. Note that there may be lessons to be learnt from improved situations as well as from review and analysis of particularly weak areas.

5 Crime Reported by Area (Rural / Urban)

The Police classify the areas where crimes have been committed in three categories, namely Rural, Urban and Highway. For the purpose of this study, the Highway category has been merged with the Rural category. For detailed figures on crime reported by area please refer to the tables in Annex 6. The consolidated figures from these tables are presented below.

5.1 Capital Crime

In the Northern Region, about 70% of capital crimes were reported committed in rural areas over the years 1996-2000 (62.7% in 1997), while only 30% were committed in urban areas. This reflects the mainly rural character of the North. In view of the fact that 90% of the population live in rural areas, however, it is clear that urban areas have higher capital crime rates.

The Eastern Region shows the same trend as the Northern Region. About 70% of capital crimes reported to police were reported in rural areas. This is somewhat surprising since the Eastern Region has a larger number of urban centres than the Northern Region.

The Western Region has slightly higher proportions of crimes reported committed in rural areas (80%) than any other region for all the years. This more accurately reflects the proportion of the population living in rural as compared to urban areas.

In the case of the Central Region, the rurally reported crimes are less dominant. This could be explained by the fact that the Central Region is dominated by Kampala City. There are also several other sizeable urban areas to which there has been much migration not only from the surrounding rural hinterlands but also from other districts and even from other countries. This results in very heterogeneous communities, and many rootless individuals and families. Nevertheless, the proportion of capital crimes committed in rural areas is still higher than those committed in urban areas as shown in Annex 6.

5.2 Serious Crime

Over the years 1996-2000 and for all regions **serious crimes** are almost equally distributed between rural and urban areas as shown in Annex 6.

5.3 Economic Crime

As with serious crimes an almost equal number of **economic crimes** are reported committed in urban as compared to rural areas even where the region is largely rural in nature. Table 7 in Annex 6 has the details on distributions per region.

5.4 Petty Crime

Table 8 in Annex 6 shows that in the Central Region, reported petty crimes were equally distributed between rural and urban areas in every one of the four years indicated. In the Western Region, the picture is rather different since about 70% of petty crimes have been recorded as being committed in rural areas. In the Eastern Region there is no visible trend in proportions by area, the percentage from crimes reported committed in rural areas varying between 44% and 78%. In the rural North a smaller percentage of crime is reported in the rural category than for the West.

5.5 Summary

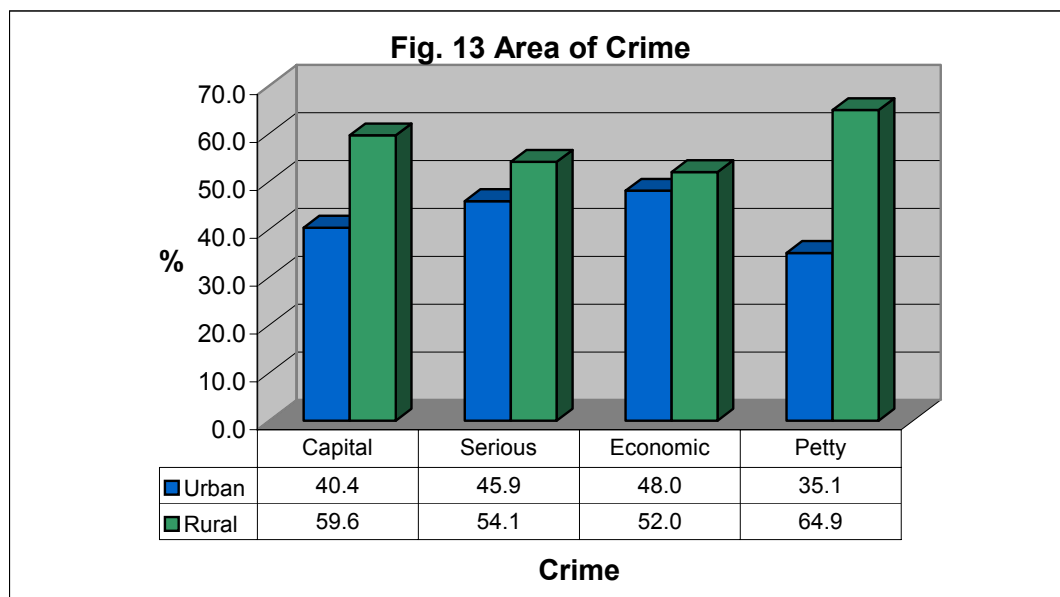


Fig. 13 above shows that most of the criminal acts recorded by police are reported in rural areas. However, the percentage is not commensurate with the proportion of the population who are rurally based. Furthermore it is calculated that not only are a disproportionate number of crimes reported committed in urban areas, but that the rate of crime is much higher in urban and it is in rural areas, i.e.:

With regard to the individual crime categories, a higher proportion of capital and petty crimes overall are committed in rural areas, whereas the proportions of serious and more particularly economic crimes are nearly equal. The relatively higher proportion of serious and economic crimes being committed in urban areas reflects the fact that a larger number of wealthy elites and business enterprises are located there with consequent opportunities for those classes of crime in these two categories.

The nature and circumstances in which reported crimes in all four categories occur needs further investigation if crime prevention strategies to combat them are to be devised. In addition, the particular constraints that confront the JLOS when dealing with crime not only as between urban and rural areas, but in the more precisely defined urban and rural contexts also need to be assessed.

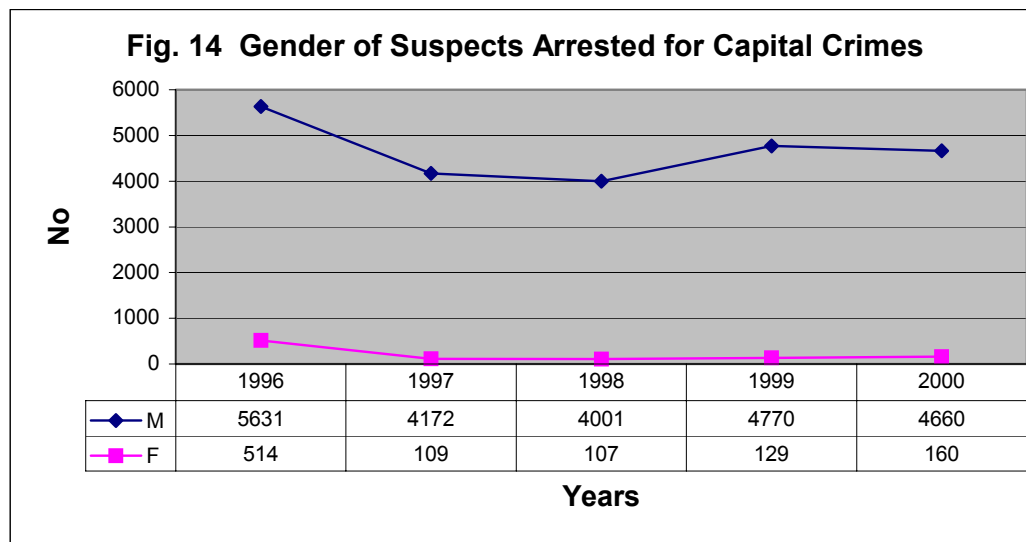
6 Arrests made by Gender

Where the previous section provided figures on the number of crimes reported, this section gives figures on the number of arrests made by gender. These numbers are also compiled from Form 1. The number of arrests is not commensurate with the numbers of crimes in two respects. Firstly not all reported crimes result in an arrest. Secondly, more than one suspect may be arrested for the same crime.

The following four tables give a breakdown by category of crime for arrests made, by gender of the suspect.

6.1 Capital Crime

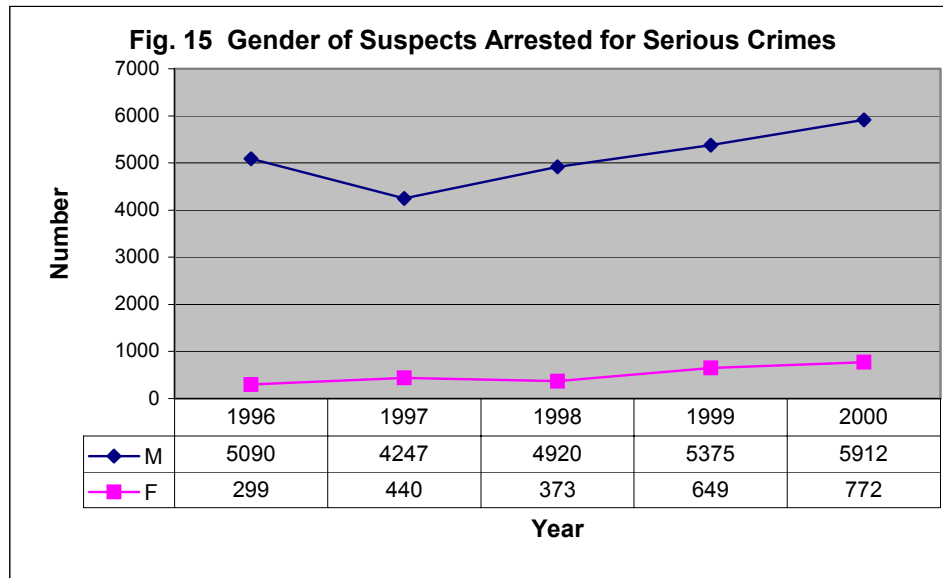
For capital crimes, an overwhelming majority of the suspects arrested by police are males. In all the regions, male suspects far outnumber females, accounting for more than 95% of all cases. This is true for all the regions and for all years 1996-2000. A very minor variation was observed in the Eastern Region in 1996 where men accounted for only 89% of those arrested. A detailed description of capital crimes by gender and region is shown in Annex 6.



That males are heavily over represented in capital (and other crimes) is not surprising. This is a worldwide trend. What is unique for Uganda, is that defilement, a capital crime, can only be committed by men. It is recommended to disaggregate the numbers for defilement cases to analyse whether this affects the gender balance in other capital crimes.

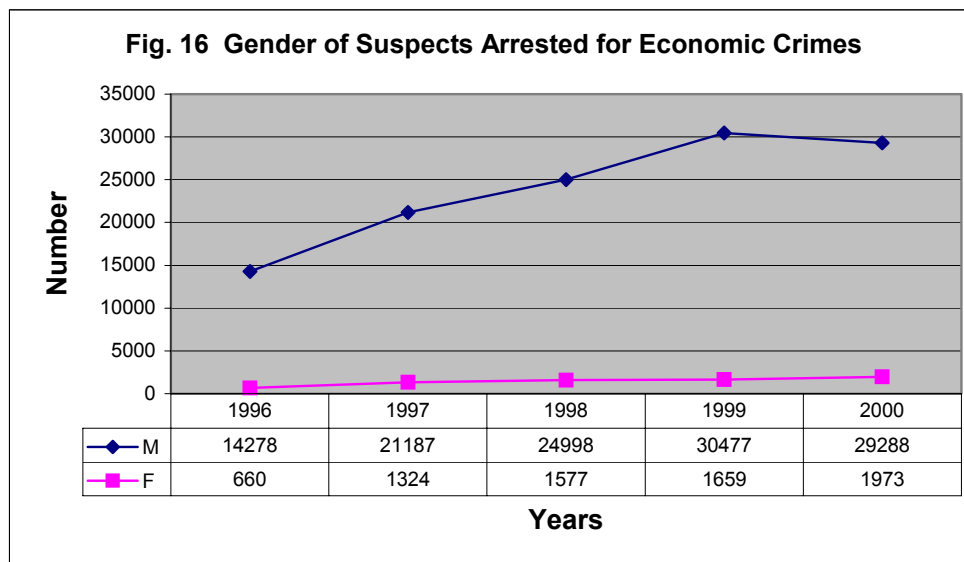
6.2 Serious Crime

Although the majority of suspects involved in serious crimes were male, women formed a higher proportion of the total than those accused of committing capital crimes. Whilst women accounted for no more than 5% of those arrested in case of capital crimes, for serious crimes in most regions women accounted for more than 10% of all cases, the maximum being 17% in the Eastern Region in 1997. For additional details on serious crimes by region and by gender please see Annex 6.



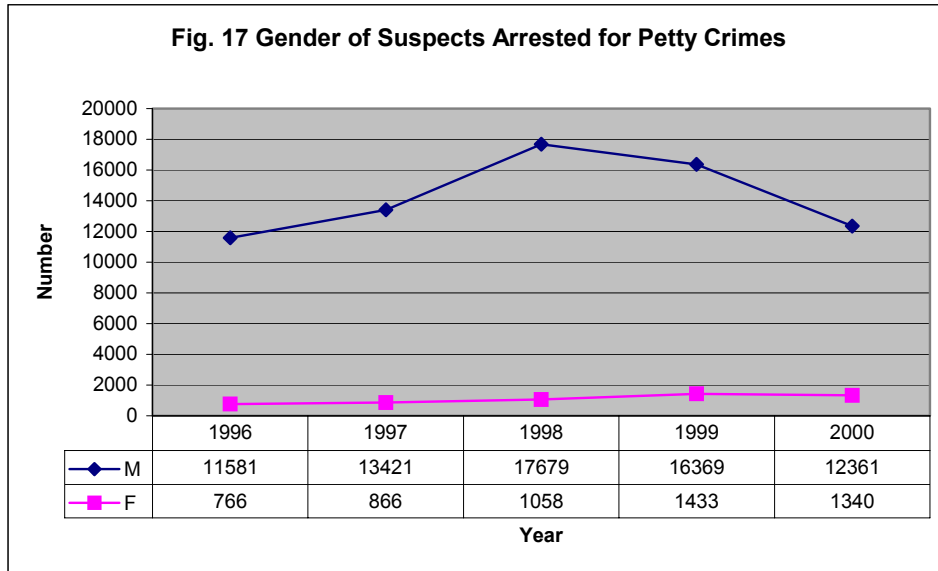
6.3 Economic Crime

Males constitute the vast majority of suspects in relation to economic crimes. Over the years 1996-2000, 92% of the suspects in economic crimes in the four regions were male. This is also shown in greater detail in Annex 6.



6.4 Petty Crime

Fig. 17 shows the gender of suspects arrested for petty crimes.



As in the case of the other three categories of crimes, more men than women are arrested for petty crimes. This picture is the same in all four regions. Overall, women account for only 6% of arrests in the North, 9% in the East, 7% in the West and 8% in the Central Region. These percentages have not varied significantly over the years as shown in Annex 6.

6.5 Summary

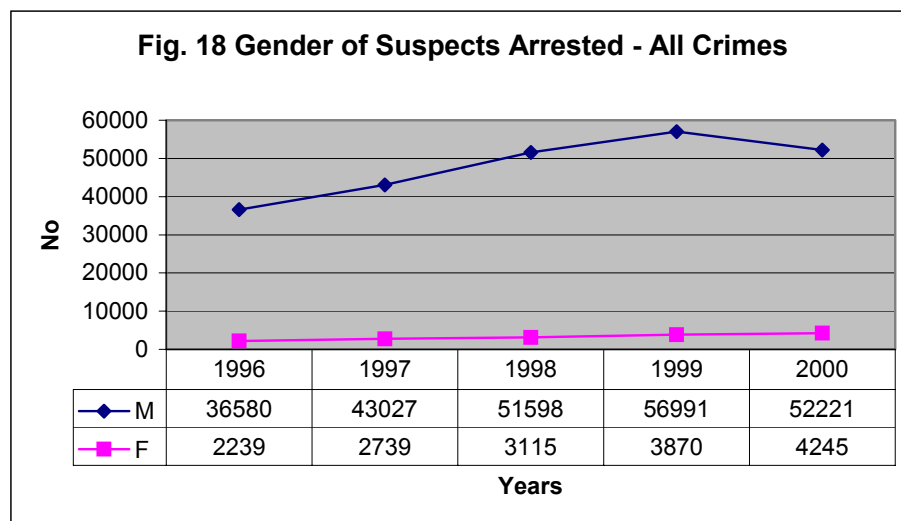
Arrested males outnumber females by approximately 20 times in capital crimes. In addition, females are least represented in this category out of the four crime categories. It should be noted, however, that only males can be arrested for defilement. If defilement constitutes a large proportion of arrests in capital crimes, it will automatically mean that males form a higher proportion of those arrested in this category than if it was not a capital crime. Inclusion of defilement, however, in the category of serious crimes could have the effect of merely shifting the extreme gender imbalance into that category, since the total numbers of serious crimes do not differ markedly from capital offences.

In terms of serious crimes females are represented by a higher proportion. This gradually increases from around the same level as capital crimes (i.e. 5% in 1996) to around 10% to 12% in 2000.

For economic crimes females have a slightly higher representation than males than in capital crime but lower than in serious crime. A reason for the increase proportion of women in both serious and economic crime could be the increasing empowerment of women and the extent to which they are attaining equality with men.

For petty crimes females have a slightly lower representation than males compared to serious crime, but almost the same as in economic crime.

The composition of all arrests for all crimes for the whole country is presented in Fig. 18. It shows that it is overwhelmingly men who are arrested as suspects. There has, however, been a decline in the male to female ration since 1999.



7 Arrests Made by Employment - Civil Service

The Police do not collect information on the income level or occupation of all suspects. The Police do, however, record employment status of certain suspects, victims and witnesses. Two categories of employment are recorded:

- ☞ Civil servants; and
- ☞ Security personnel

It is, therefore, possible to analyse statistics of crimes alleged to have been committed by the civil servants (by ministry or department) and by the security personnel (by branch of the services). In doing so, however, it should be appreciated that overall only a very small percentage of crimes are in fact committed by personnel of these departments and organisations.

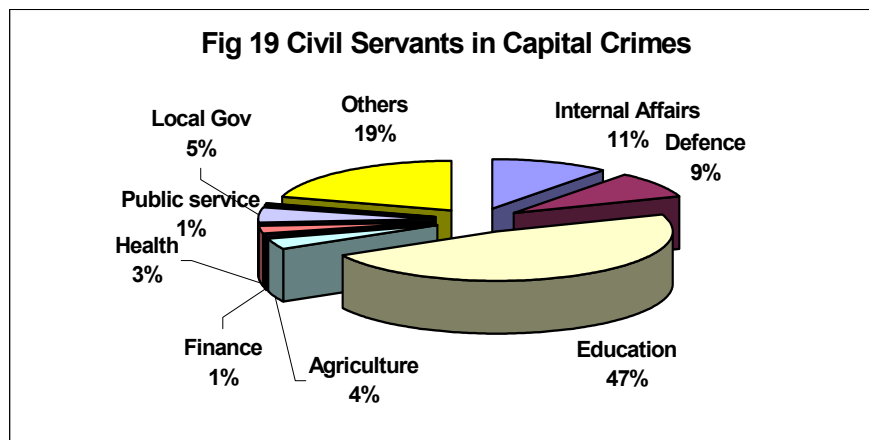
Section 7 presents statistics on crimes alleged to have been committed by the civil servants in general, by ministry. It should be noted that for the period 1996-2000, there was no reported case of serious crime involving employees of the civil service.

Section 8 focuses specifically on crime statistics where security personnel are suspects.

The category Justice includes the Ministry, the Judiciary but excludes Police and Prisons.

7.1 Capital Crime

Employees in the Ministry of Education and Sports (MoES) constitute a significant majority of civil servants who are suspects in cases of capital crime. This is presented in Fig 19. In most years covered by the survey, employees in MoES are more likely to be arrested for committing capital crimes – except for the year 2000 where a dramatic fall in the numbers and, therefore, proportion of the total was experienced.



The fact that employees from the Education Sector represent a relatively large proportion of suspects may reflect the large number of teachers as compared to the staff establishments of other Government Departments. Teachers form the largest single group of employees.

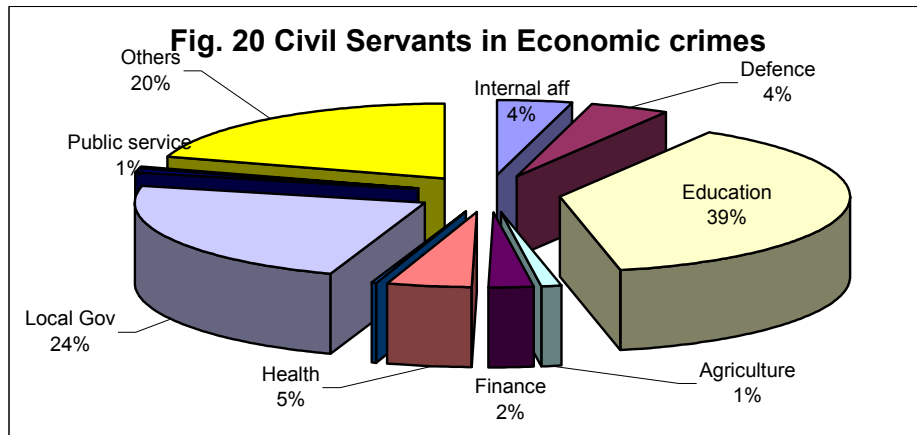
Nevertheless, this is a matter that should cause considerable concern to the Ministry of Education as teachers are role models for their pupils and others in the community. More detailed figures are available in Annex 6.

It is recommended that this issue be further investigated and monitored in order to establish the reasons for such a high crime profile for education sector personnel, and whether the recent positive trend of reduction in the number of MoES employees suspected of capital crime continues in the years to come. The trend cannot be explained purely on the basis of a statistical abstract because the decrease may be temporary.

It is further recommended that the relative prevalence of different capital crimes be explored where the suspect is a civil servant and based on the nature of the crimes (treason, rape, murder, defilement, aggravated robbery) in order to determine how to address the issue of civil servants involved in capital crimes.

7.2 Economic Crime

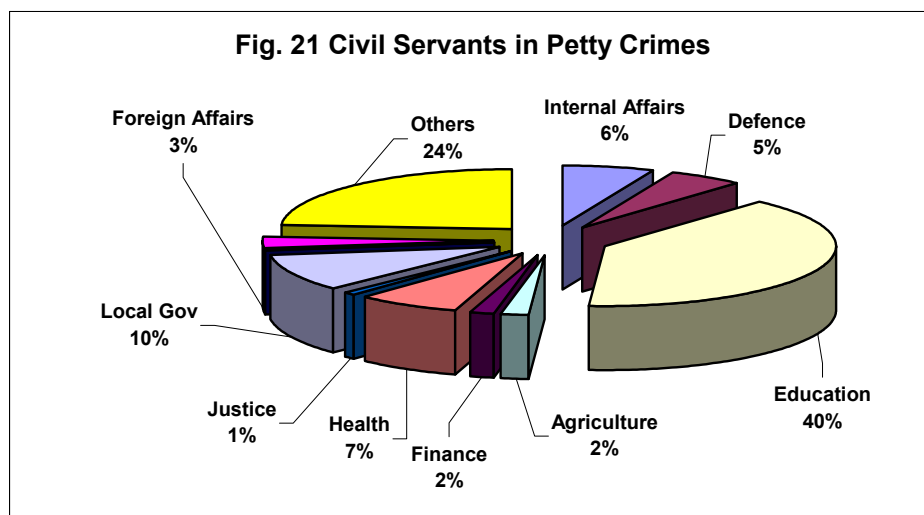
Annex 6 shows that as with capital crimes, persons from the Education Sector stand accused of the biggest number of economic crimes (39%), while those in Local Government are the second most likely to have been suspects in case of economic crimes (24%). In this case, in contrast to capital crimes, there was a dramatic increase in the numbers of economic crimes for the year 2000.



Very few suspects are recorded as working in the public service (MOPS), and in the Ministry of Foreign Affairs (MOFA) and Ministry of Justice and Constitutional Affairs (MOJCA).

7.3 Petty Crime

Arrests for petty crimes show a similar pattern to those of other categories with personnel in Education being arrested in five times as many instances as those from other Departments. Other ministries/institutions including Internal Affairs, Defence, Foreign Affairs and Health as well as Local Government compete for the second place as also indicated in Annex 6.

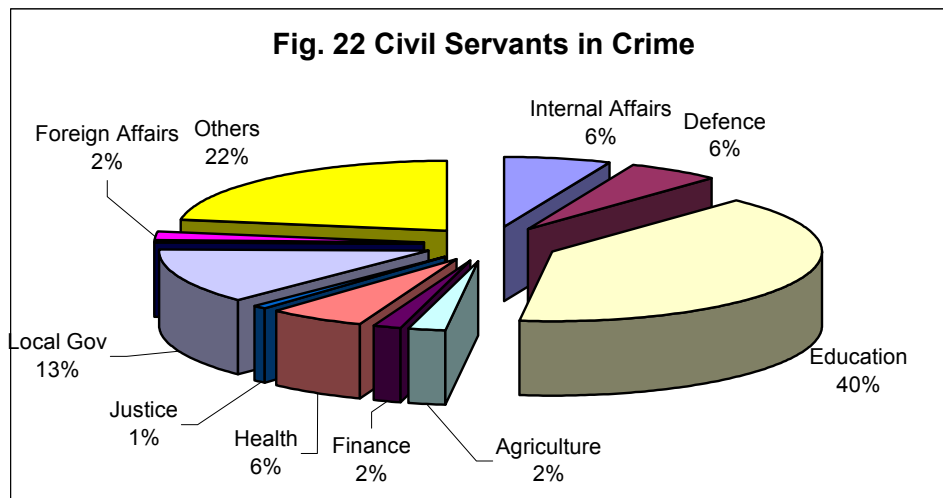


7.4 Summary

Civil Servants from the Education Sector have the highest representation in reported crime, followed by 'Others'¹, Ministry of Local Government and Ministry of Internal Affairs.

The maximum representation of Ministry of Education and Sports is found in the case of capital crime. This applies to the three first years, but then there is a significant drop in 2000, which cannot immediately be explained. Although it might be supposed that a majority of these cases are defilement and not murder or treason, this needs substantiation in order for the MoES to develop strategies and programmes to address the issue.

It is further recommended that more detailed records be maintained of the employment status and general background of those arrested for analysis purposes. With a more accurate segmentation of the arrested persons, researchers would have a better foundation for developing hypotheses and conducting research into the sociological aspects of the patterns of crime.



¹ "Others" include all other Government Ministries and Departments not separately enumerated

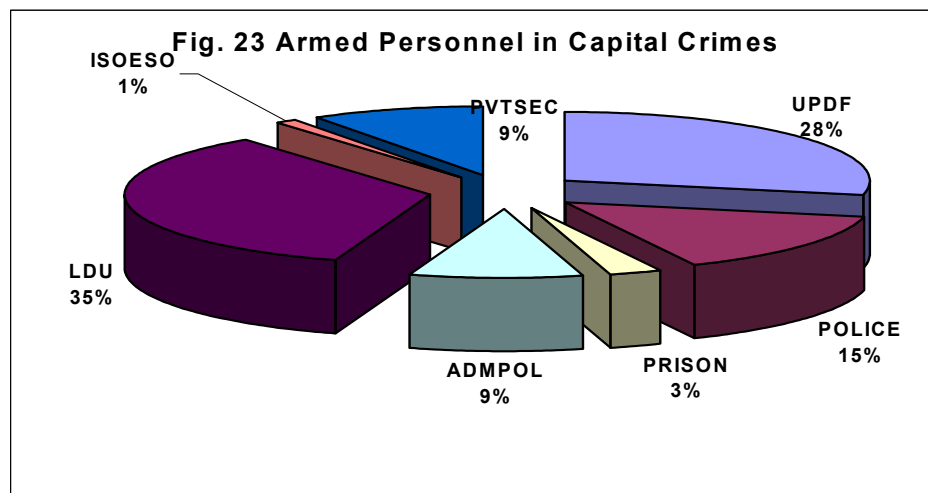
8 Arrests Made by Employment - Security Personnel

The Police record in their summaries the crimes committed by personnel of the armed services in Uganda. In the following, information is provided on the numbers of armed personnel accused with respect to three of the categories of crime for each of the 4 years indicated. It should be noted that in the 1996-2000 period, no case of serious crime involving security personnel was reported.

8.1 Capital Crime

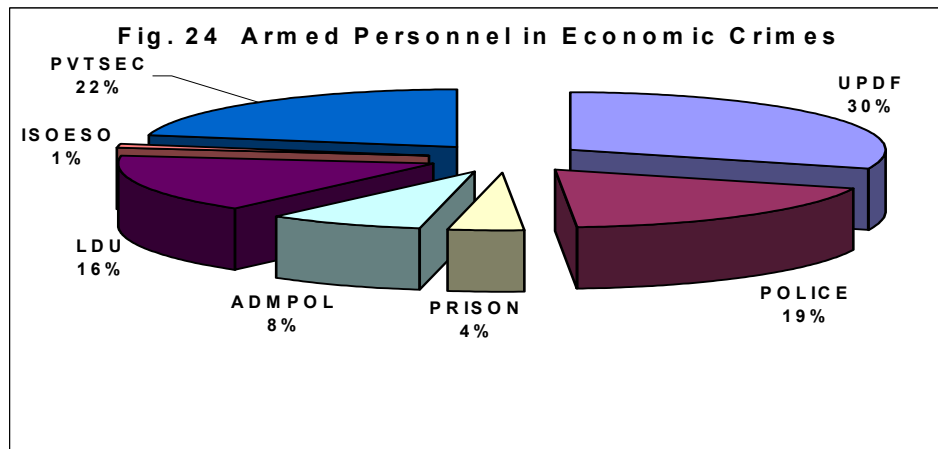
The armed personnel most likely to be accused of capital crimes are personnel of Local Defence Units (LDU) followed by those in the Uganda People's Defence Force (UPDF). In so far as the UPDF is concerned, this may reflect the relatively larger numbers of individuals in the army, as was the case for MoES in the previous section. In the case of the LDUs this may be attributed in part to the lack of adequate selection criteria in their recruitment, limited training, uncertain job status and poor remuneration. Further study of the issue is recommended.

Other armed personnel including Police, Local Administration Police, Prisons and Internal Security Organisation (ISO)/External Security Organisation (ESO) are much less likely to have been involved in capital crimes. This may also reflect the relatively smaller numbers of individuals in these services. The rate at which these personnel have been arrested for such crimes has remained constant over the years 1996-2000. This is further illustrated in Fig. 23 below and shown in Annex 6.



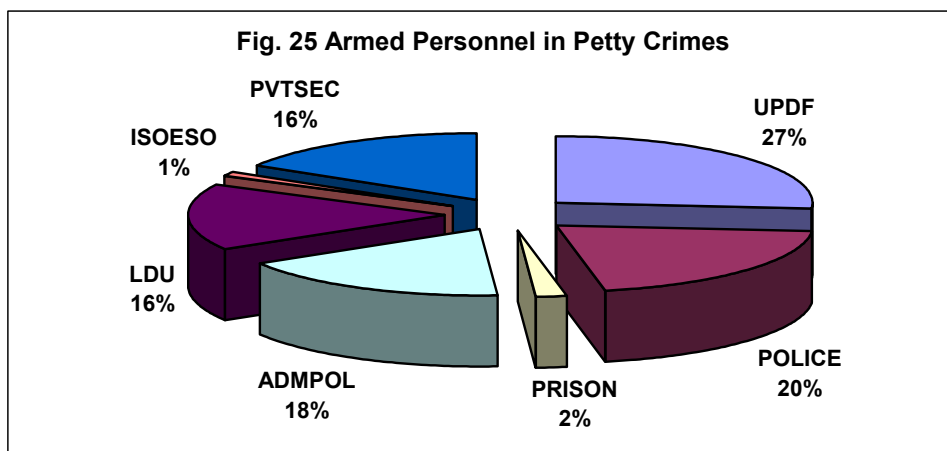
8.2 Economic Crime

For all years, personnel in the UPDF are more likely to have been involved in economic crimes than any other branch of the armed services. In most of the years Private Security personnel come second followed by the Police and the LDU's. This is well illustrated in the Fig. 24 below as well as being documented in Annex 6.



8.3 Petty Crime

Armed personnel in Prisons and ISO/ESO are seldom accused of petty crimes. UPDF, LDUs and Police, however, are quite frequently accused of such crimes as is depicted in Fig. 25 below.



There was an apparent big increase in cases involving the Police and Local Administration Police in 1998 that cannot be explained on the basis of available data (see Annex 6). The UPDF has shown a decline in cases in which their personnel have been involved. It should be noted that there is no clear trend from year to year in numbers for any of these services and it is possible that reporting may not have been consistently carried out by the Police. Fig. 26 illustrates this by aggregating all years covered, while Annex 6 provides more details.

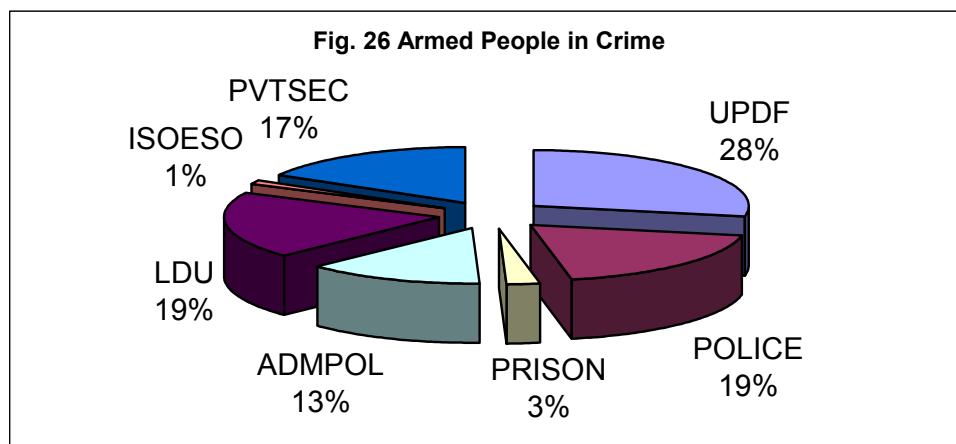
8.4 Summary

It is noted that the reported criminal involvement of personnel from the various security agencies varied from one category of crime to another.

Thus, whereas the LDUs were more represented in reported capital crime than any other agency, they were the least represented in economic and petty crimes.

The UPDF are reported to have committed more crimes of an economic and of a petty nature than the members of the other security agencies. It is possible that in some cases capital crimes may be handled within the framework of Courts Martial and not by the Police and Courts of Judicature.

Overall, for all years and adding up all crimes, UPDF had the highest representation of armed personnel reported to have committed a crime, as shown below in Fig. 26.



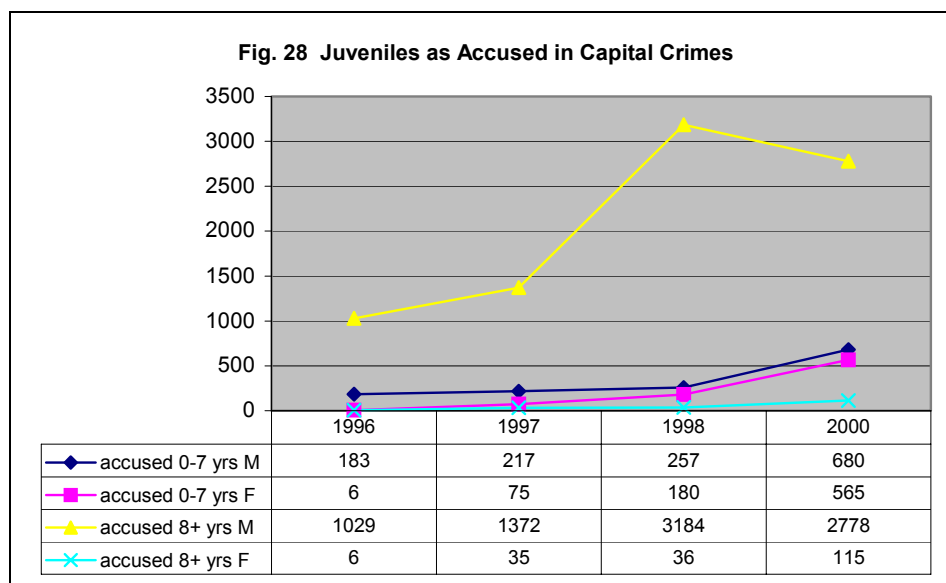
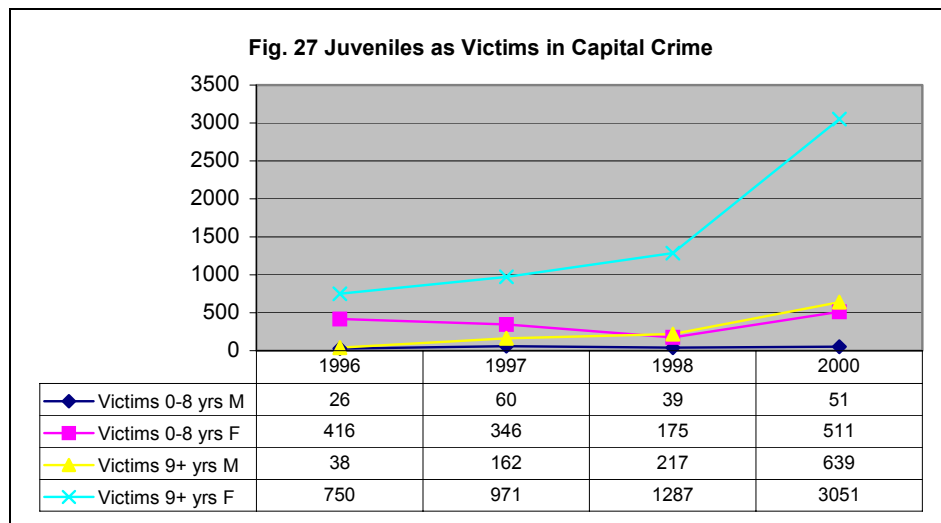
Given that Uganda has a largely rural population, and LDU's represent "law and order" at grassroots level it is recommended that there be further study of the involvement of LDUs in crime.

9 Juveniles as Victims or Accused

Police summaries specify where juveniles were involved in crime either as victims or accused. The data can be disaggregated by age group and gender.

The tables below thus illustrate the numbers of juveniles accused of committing or being the victims in case of the four categories of crime. There may be more than one accused or victim in each crime.

9.1 Capital Crime



The minimum age of criminal responsibility in Uganda is 12 years (Children Statute 1996). Nevertheless, the police must record reported crimes committed even by children under the age of criminal responsibility. An exception is the offence of being Idle and Disorderly that has been decriminalised so far as juveniles are concerned.

Note that it is not only the 0-7 years age group, but at least some of the cases included in the 8+ years category, which may include suspects who are below the age of 12 years. When looking at figure 28 and leaving aside those under 12 years who may feature in the 8 years plus group, it is noteworthy that in the year 2000 such a high number of juveniles below the age of 7, both boys and girls, were accused of committing so many capital crimes.

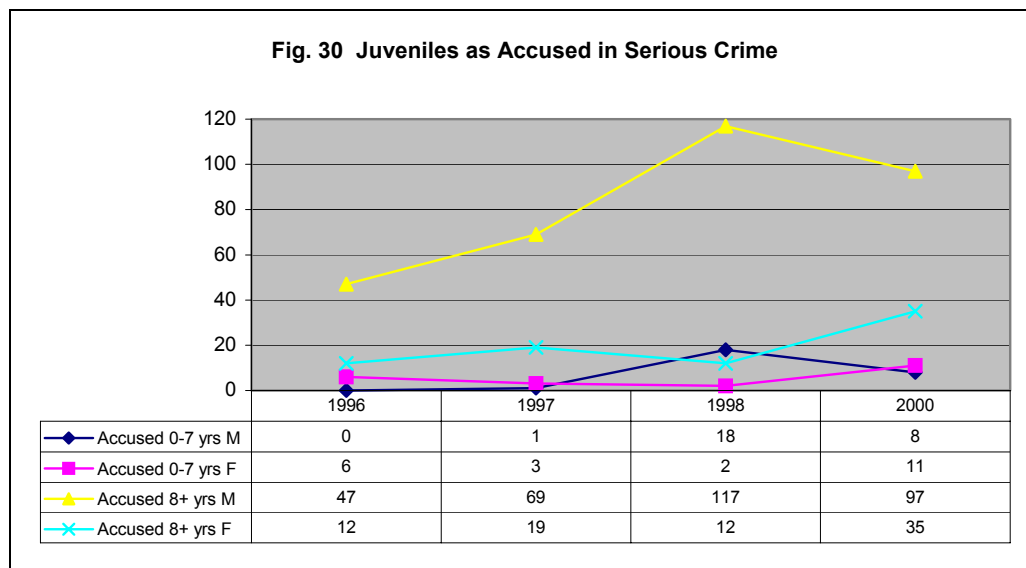
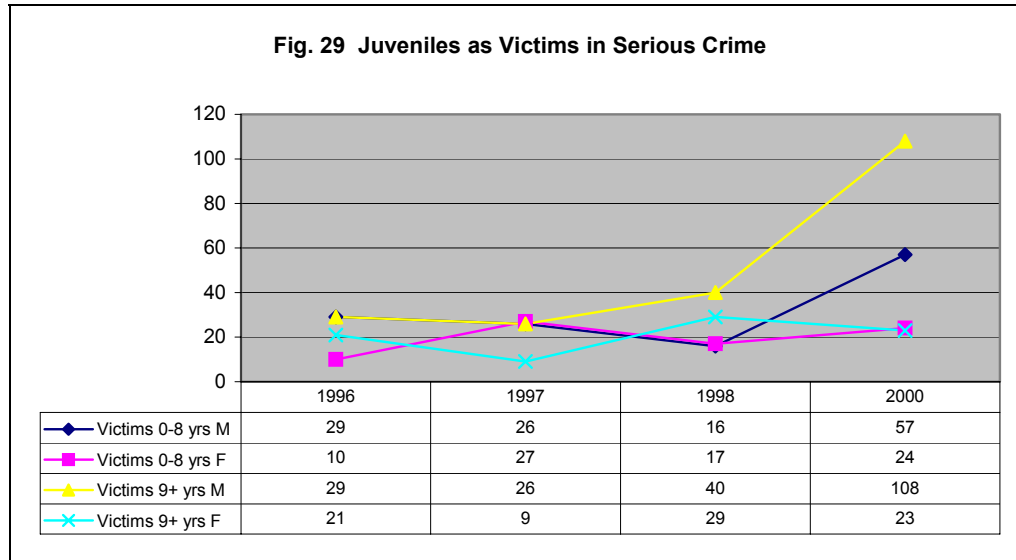
Fig. 27 indicates that girls of age 0-8 years are much more exposed to being victims of capital crimes than boys. This is generally true for all the years studied. The gap, between male and female, is even greater for 9-17 years of age. The major increase in female victims of Capital Crime is accounted for, in large part, by the increased number of defilement cases being handled by Police and the Courts of Judicature.

There is a definite trend towards increased reporting of such crimes although this does not necessarily indicate an increase in incidence, as there is reason to believe that in the past this crime, committed in secrecy, was rarely reported. Furthermore there are some indications that some cases are being handled through alternative mechanisms such as the LC Courts without involving the Police.

It is recommended that there be a thorough review of the process of reporting on those under the age of criminal responsibility who feature in crime statistics. It is also recommended that although comprehensive studies have already been made with respect to defilement, there is still scope for further study of the role of alternative dispute mechanisms in dealing with such cases.

9.2 Serious Crime

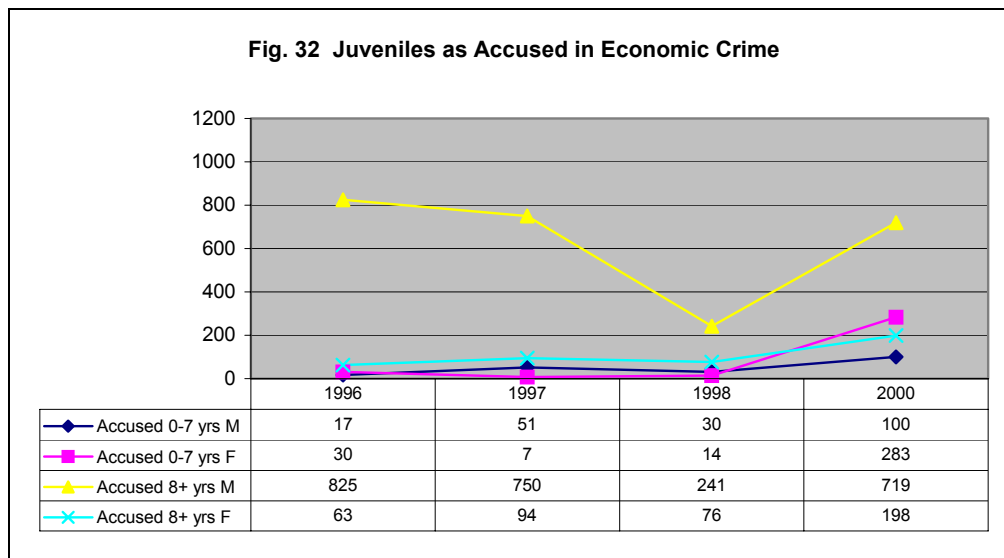
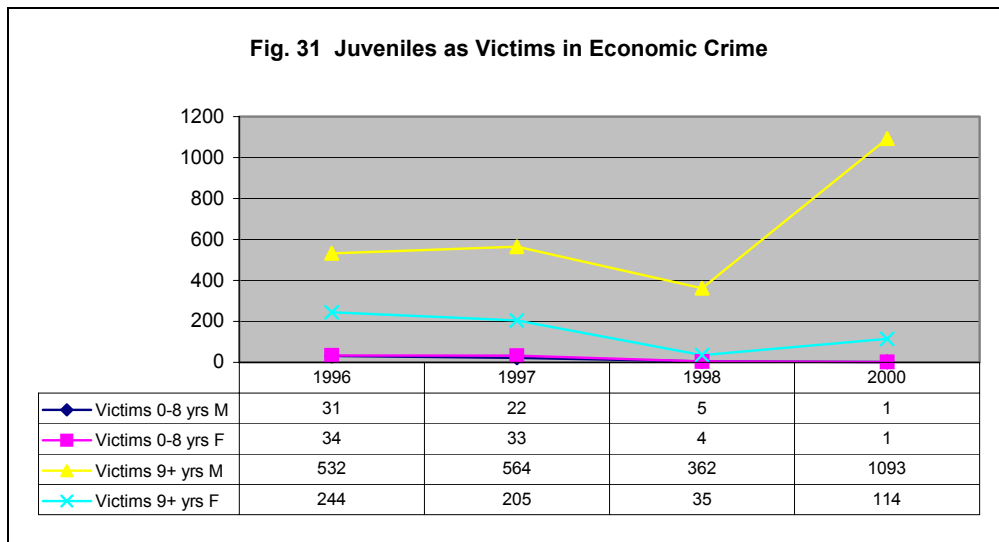
More male than female juveniles are victims of serious crime. At the same time they are also more frequently the accused.



Ideally, there should not be any accused in the age group 0-7. It has already been recommended that this anomaly be further investigated in order to establish the reasons leading to such very young juveniles appearing in as accused in serious crime statistics. It is also recommended that further study be carried out to establish why females constitute a relatively higher number of accused in the age group 8+ when compared to the general picture of gender of accused.

9.3 Economic Crime

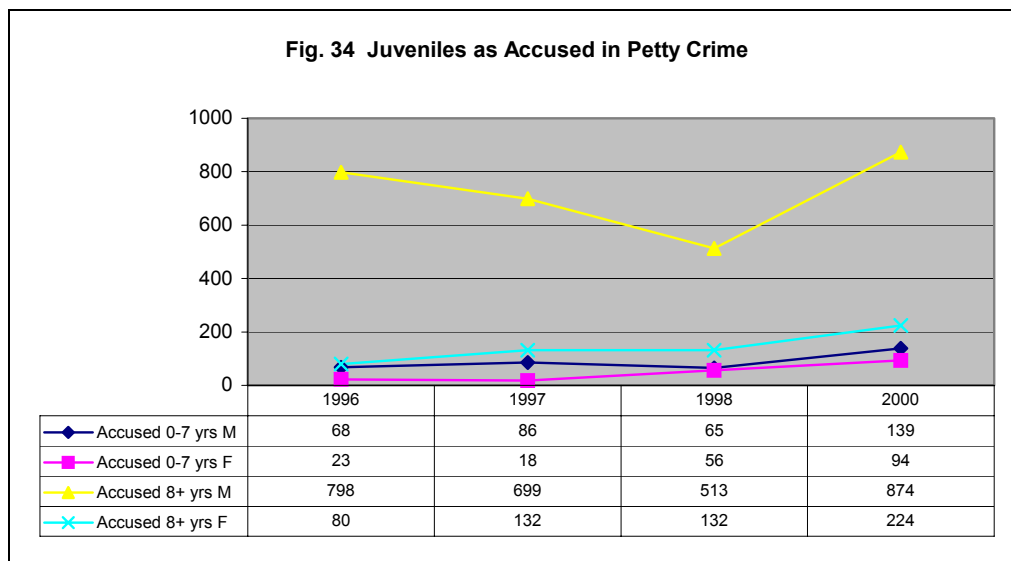
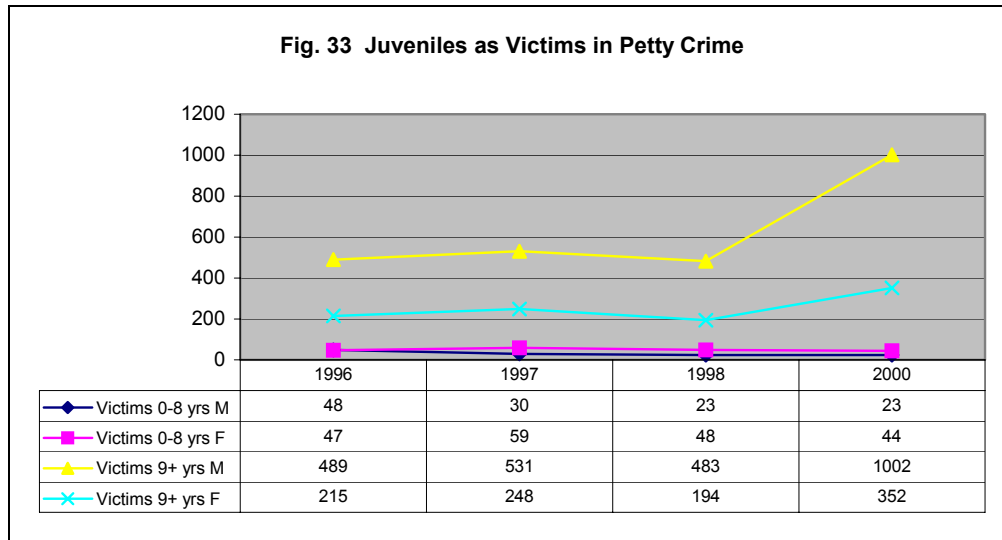
In the year 2000, male juveniles were almost ten times more likely to be the victims of economic crimes than female juveniles. However, the proportion of girls' accused of such crimes as compared to boys is much higher, at about 1 to 3. In the year 2000, more girls than boys are accused of economic crimes in the under 8 years old category. Details are shown in the below figures 31 and 32.



An issue with respect to the recording of cases involving juveniles is the difficulty in determining exact age. Thus some may be recorded in the wrong category. It must be noted that there is a steep increase in year 2000 of juveniles involved in economic crime, either as victims or accused. It is recommended that this trend be further investigated. Of particular note is the steep increase in accused in the age group 0-7 years for both genders, but especially the increase in female accused.

9.4 Petty Crime

The trend shows that female juveniles are slightly more likely to be victims of petty crimes than male juveniles in the category 0-8 years while the opposite is true for the 9-17 years of age category.



From being relatively stable in the first three years covered, the trend seems to be on the rise.

It is recommended that the reasons for this increase be fully investigated, since it is only possible to develop hypotheses using only the statistics in the database. Such a study should seek to establish whether juveniles are more involved in petty crime or whether Police has been pursuing offenders, including juveniles, in this category of crime more vigorously. If there is in fact a trend for more juveniles to be involved in petty crime, the causes of this need to be intensively studied. This will require the concerted efforts of both Police and Social Services both to investigate and to develop strategies that address this worrying trend.

9.5 Summary

The Police register victims and accused by gender and by age, but the categories are not the same for accused and victims. Furthermore, the categories do not reflect the criminal age of responsibility which is particularly important in the case where a juvenile is accused.

In capital crime, there has been an increase over the years in the number of juveniles reported in Police Form I to have been involved both as victims and accused in all four categories of crime. Ideally, there should not be any accused under the age of 12, however, in the age group 0-7 there are in year 2000 more than 1200 accused while there were 437 accused in 1998.

The number of juveniles involved in serious crime is much smaller, but still there appear accused in the age group 0-7. In serious crime there is a relatively stable number of accused over the years except for the group females 8+ in 2000. The number of accused in that group triples between 1998 and 2000.

In economic crime there is a steep increase in all groups of juvenile accused from 1998 to 2000. The group of males in 8+ year age bracket, though, falls back to its level from 1996/97.

In petty crime, the trend of accused is relatively stable in the first years, but then in 2000 there is a high increase in all groups of accused. It must, though, be noted that accused males 8+ years fall back to its previous level.

It is recommended that there be a change in the way that crimes are registered with respect to juveniles. The age of the accused should reflect the age of criminal responsibility i.e 12-18 years. In the case of victims, it is recommended to group them into the categories: 0-5 years (i.e. under 6 years), 6-11 years (i.e. under the age of 12), and 12-18 years,

Generally, there is a rising trend over the years in accused juveniles. It should be further investigated whether the statistics reflect the true picture of juveniles in crime. It is recommended that if the statistics reflect a true picture, that Police and Probation Services coordinate their efforts to address this serious issue. When looking at the statistics, it is further recommended to explore why female juveniles in all categories have a higher relative representation as accused than females overall have in the overall relationship in accused male/female.

10 Conclusion Part I

There has over the years covered by this survey been a general increase in reported crimes. The level has risen from 50.000 reported crimes in 1996 to 85.000 in 2000. The recorded increased incidence in reported crime is also reflected in increased crime rates. The crime rate has risen consistently in all regions for the period under review by varying percentages.

This can be interpreted as being due to more complete Police records, a less effective Police force or as an actual rise in crime levels due to extraneous and other factors. It could also be a factor of increases in population accompanied by enhanced affluence. It is also important to note that reported crime is not necessarily identical with actual crime. In addition, many crimes may go unreported due to problems of accessing JLOS services for a variety of reasons thus both incidence and rate may be higher than revealed by available records.

It is, though, possible on the basis of the collected material to point at certain trends and abnormalities and make conclusions and recommendations.

Findings

The registration of crimes is not optimal. The Consultant has experienced gaps in the reporting from Police Regions. Furthermore there are areas where registration of cases could be improved to provide more detail for statistical, sociological and strategic planning purposes.

There seems to be a steady though limited rising trend in the number of capital crimes in all four Regions, though with some variations over the last five years. Figures for the incidence of serious crime also show a rising trend, increasing 300% in the Central Region, which is a the most significant finding. Economic crime has also risen and has tripled in Central and Eastern Region. In petty crimes the most significant finding is that it rose dramatically from 3.230 to 15.097 in Northern Region during the period surveyed.

Looking at the geographical distribution of reported crime, the majority is reported in rural Regions with the Western and Northern Regions accounting for 39% and 28% of total reported crimes respectively. Both regions are largely rural in character. With more than 80% of the population living in rural areas it is expected that the majority of crimes will be committed here.

Looking at all crimes by area (rural/urban) between 52% and 65% are reportedly committed in rural areas while approximately 90% of the population lives in rural areas. This reflects then an overrepresentation of urban crime which can be explained by the proximity of Police in urban areas, the migration from rural to urban areas, the density of population in urban areas and the higher prevalence of wealth symbols in urban areas.

Males outnumber females in arrests by approximately 20 times with small variations in the crime categories. There is, though an interesting trend that there is a recent decrease in number of males arrested while females have a small, but yet continuing, steady rise in numbers being arrested.

It is registered when a civil servant is reported for a crime. It is found that employees in the education sector have the highest incidence of reported involvement (40% of the total) compared to other ministries/institutions. In terms of armed services, the UPDF has the highest proportion with 28% of all reportedly involved in crime.

The collected data on juveniles and crime gives some interesting findings. The age of criminal responsibility is 12, but nevertheless 1200 were arrested for capital crimes in year 2000 according to the statistics. There seems in general to be an increasing trend of juveniles being accused of crimes.

Recommendations

- ☞ It is recommended that the registration form (Form 1) be re-designed in order to better capture future developments in crime.
- ☞ For this purpose, it is recommended that a drafting group be established in which all JLOS institutions are represented. This group should take special note of the recommendations below on social status of accused and juveniles. The group should also discuss whether there are other parameters that should be captured in the registration form.
- ☞ It is also recommended that a uniform registration system be developed so that it is possible to follow the individual accused/criminal through the system from arrest to verdict and prison.
- ☞ A separate study on the rising trend in crime is also recommended. Individual crimes like murder, aggravated robbery/robbery and theft could be singled out, registered and analyzed for the purpose of measuring trends and correlation between social development and the individual crimes.
- ☞ Since there seems to be a development in the ratio of male/female arrests with a relatively steady increase in females arrested, it is recommended this be monitored over the coming years to see whether this trend continues and make it subject of a separate study if it does.
- ☞ In order to gain better knowledge on the social status of the accused it is recommended that Police record employment status of those arrested, not only if they are in the armed forces or civil servants.
- ☞ A study is recommended where the nature of crime, particularly capital/serious crime and civil servants is analyzed.
- ☞ A change in the registration of juveniles is also recommended so that the age of the accused reflects the age of criminal responsibility. With respect to victims it is recommended to group them in the age groups already specified.
- ☞ There seems to be a rising trend of juveniles being involved in crime. It is recommended that this be subject for a separate study where also Police and Social Authorities are involved to coordinate efforts to address this problem

PART II

THE ACTUAL SITUATION

**EFFICIENCY AND EFFECTIVENESS
ACCESS TO JUSTICE
QUALITY OF JUSTICE**

11 Introduction Part II

Part II of this report illustrates the Actual Situation in the JLOS and complements the End User Perceptions, which are presented and discussed in the report's **Part III**.

Part II and Part III share the same overall structure by both including main sections on Efficiency and Effectiveness, Access to Justice and Quality of Justice.

While Parts II and III do share the same general structure, the specific contents differ. As a result, it is rarely possible to compare across parts / sections - e.g. Actual and Perceived Efficiency and Effectiveness measurement criteria will often differ.

12 Methodology

12.1 Comments on Methodology

The below information was collected from JLOS institutions or Ministries, the Ministry of Finance Planning and Economic Development as well as from NGOs (Legal Aid, Human Rights NGOs) and secondary sources.

Difficulties were experienced in collecting information and some information sought for was not available. For instance, it has not been possible to collect information on disbursement/ expenditure by district/region as intended in the Terms of Reference.

Moreover, often, when two or more sources of information have been available for the same area, the data has differed. An example has been accounts information on expenditure for the same institution where discrepancies between two sources of information have been experienced.

When assessing the level of expenditure for the JLOS institutions it should be remembered that the figures presented do not include the expenditure for the District Administration Police and the Local Government Prisons, which are funded from grants to the Districts and/or District own sources of revenue. In this regard note that the Local Administration Police has representation in every Sub-county. Their duties are somewhat limited, more often acting as guards and escorts. There are currently 137 Local Government Prisons as compared to 46 Central Government Prisons.

In spite of the above, it is possible to illustrate efficiency and effectiveness and provide yet another dimension to the description of the present state of the JLOS in Uganda.

13 Efficiency and Effectiveness

13.1 Cost of Delivery of Services

In the following, total expenditure / budgets are presented for the institutions in the sector and for the whole sector, for the period. Capital development expenditure is compared to development in reported crime and related to the increase in population. Furthermore, the first section includes indications of cost of handling cases for the courts and for the DPP. As mentioned above, it has not been possible to establish expenditure by region.

The expenditure figures and the comparisons do not in and of themselves tell much about the efficiency and effectiveness of the sector or the institutions. Drawing conclusions with regard to efficiency and effectiveness can only be achieved when the expenditure (input) for the sector is compared to the quantity and quality of relevant outputs produced by the sector.

After the overview of expenditure / budget for the sector and its institutions the report reviews outputs like staffing and caseloads in the major institutions as well as management information systems. The quality of some of the services provided by the JLOS is reviewed in the last section of Part II.

Ideally, to measure the sector's efficiency, key targets should be developed by the sector for the individual institutions and for the sector, against which their achievement can be assessed.

13.1.1 Expenditure / Investment for the JLOS

Table 1 below shows expenditure for all the JLOS institutions for the period FY 1995/96 to FY 2000/01 and budgets for the period FY 2000/01 to 2001/02. As will be seen, there has been a general increase of expenditure / planned funding over the years. The increase in expenditure / planned funding for the period has exceeded the rate of inflation but not significantly. It will also be seen that:

- In 1998/99, the second year examined, the actual expenditure rose in all institutions with the exception of the MOJCA where expenditure declined.
- In 1999/00 the actual expenditure rose for all institutions.
- In 2000/01 there was a falling tendency in the planned funding with the exception of the DPP, the Judiciary and the Law Reform Commission. This year the Judicial Service Commission first appears in the budget for the JLOS .
- In 2001/02 significant variations appear in the budget. Substantial increases in allocations have been granted to the Police, the Prisons, the DPP and the MOJCA while Internal Affairs experienced a drop. With regard to the MOJCA it should be noted that the very significant increase from FY 2000/01 to 2001/02 marks the implementation of the SWAP. Pooling of funds for the whole sector in the MOJCA reflects the introduction of the Sector Wide Approach (SWAP), which includes the Criminal and Commercial Justice Reform Programmes and the Case Backlog Project.
- When looking at the funding levels planned for the FY 2000/01 and 2001/02 it should also be noted that the planned budget is higher than actual expenditure due to unforeseen reductions in the budget during the fiscal year.
- Recurrent costs (wage and non-wage) are the largest component of the JLOS budget. The development budget part of the total budget did not increase over the period, ending at a low 6.6% of the total budget in FY 1999/2000.

- There are donor funded development activities in the DPP, Judiciary and the MOJCA. In FY 1999/00 Donor budgets comprised 5% of the capital development expenditure in the Sector. The Government budget for development is, however, three times bigger than the combined donor budget for development in 2001/2002 for the sector.

Table 1 Expenditure / Budget by Institution (Billion Shillings)

Institution	1995/96	1996/97	1997/98	1998/99	1999/00	Increase Survey Period	2000/01	2001/02
Uganda Police	41.03	43.67	43.78	51.64	52.92	29.0%	50.40	59.71
Uganda Prisons	7.30	10.17	11.47	15.21	15.41	111.1%	13.79	15.80
Internal Affairs	1.14	1.12	1.41	2.16	5.83	411.4%	5.73	4.00
DPP ¹	-	-	-	0.60	1.21	-	1.52	2.41
MOJCA	7.81	10.29	12.58	8.49	10.10	-	9.05	18.90
Judiciary	3.71	3.55	7.58	9.71	11.50	210.0%	12.93	15.6
Judicial Service Commission	-	-	-	-	-	-	0.36	0.48
Law Reform Commission	0.55	0.50	0.43	0.56	0.67	21.8%	0.48	0.55
Total exp. / budget for the JLOS	61.54	69.30	77.24	88.37	97.64	58.7%	94.26	121.87
Development part of the total budget	6.6%	5.8%	3.6%	7.4%	6.6%		13.9%	17.8%
Expenditure / budget percent increase on Previous Year		12.6%	11.5%	14.4%	10.5%		-3.5%	29.3%

Consumer Price Index Financial Year including 1999/2000 ² Thereafter, calendar year ³	7.5% (fy1995/96)	6.4% (FY1996/97)	7.1% (FY1997/98)	0.2% (FY1998/99)	5.9% (FY1999/00)		5.5% (2001)	5.2% (2002)
Accumulated Consumer Price Index – Estimated End Year	7.5%	14.4%	22.5%	22.7%	30.0%		37.1%	44.3%
Total exp. / budget for the JLOS , Adjusted for Inflation (bil shillings)	56.9	59.3	59.7	68.3	68.3	20.0%	59.3	67.9

Source: Ministry of Finance and see notes 1 and 2 below

1. Before FY 1998/99, the DPP was included in the MOJCA's budget
2. Statistical Abstract 2001, Uganda Bureau of Statistics, p. 47
3. The Economist Intelligence Unit, Country Report August 2001, Estimate of year-end Consumer price inflation

13.1.2 Expenditure / Investment and Reported Crime

Table 2 lists the total budget figures from table 1 along the total reported crime figures from Part I of the report. It also calculates the percentage increase for both items for the period.

Table 2 Total Number of Crimes Reported. Total Expenditure / Budget for the JLOS

(Billion Shillings)	1996	1997	1998	1999	2000
Number of Crimes	51,277	51,854	62,853	81,517	84,914
% increase 1996 – 2000					65.6%
Expenditure / Budget JLOS Adjusted for Inflation	61.54	69.30	77.24	88.37	97.64
% increase 1996 - 2000 ¹					20.0%

Source: Consultant's collected statistics on reported crime

1. Not adjusted for inflation – see table 1 – Accumulated Consumer Price Index

While there has been a marked increase in the expenditure for the JLOS, the increase in reported crime has been considerably higher, and even higher if one corrects the expenditure for accumulated inflation.

Whether there is a direct correlation between expenditure and reported crime is a debatable issue. This is not to say that the prevalence of reported crime is unrelated to the existence of a JLOS, or that it is irrelevant how much is invested in the sector. The lack of correlation, however, might indicate that the funds are not invested strategically, where they may yield the highest rate of return in terms of prevention and prosecution of crime.

Further studies into what causes increases in the reported crime in Uganda, and what prevents the Sector from achieving optimal efficiency, would enable the sector to focus on those areas in their policy, planning and investment and hence create the necessary preconditions for a more strategic and efficient Implementation of reform measures.

13.1.3 Expenditure / Investment per Capita and by Regions

The per capita resource allocation is captured in table 3 below.

Table 3 Per Capita Resource Allocation

	1996	1997	1998	1999	2000	% Increase Period
Population (millions)	19.8	20.4	21.0	21.3	22.2	12.1%
Expenditure / Budget JLOS Adjusted for Inflation	61.54	69.30	77.24	88.37	97.64	
Amount spent in JLOS per capita	2,874	2,907	2,843	3,207	3,077	7.1%

Source: Police yearbook 2000, Ministry of Finance and the Population Census of 1991

Per capita expenditure has grown over the years, however, if the expenditure is adjusted for inflation, the real growth in the expenditure amounts to an increase of only around 7% per capita.

It was not possible to establish the expenditure incurred by the JLOS by region. The Consultant held meetings with Ministry of Finance, Ministry of Local Government, and the Comptroller and Auditor General. They all stated that not all the districts comply with the financial regulations that stipulate that they should submit their final accounts to the Auditor General, Ministry of Local Government and Ministry of Finance. Furthermore, the central institutions (e.g. courts) do not keep accounts from which one can establish the cost by district/region.(NAVISION at Judiciary has session costs which indicate place).

13.1.4 Cost of Handling Cases – the Directorate of Public Prosecutions (DPP)

Calculating the cost of services for sector institutions requires that targets are defined for the institution and the sector, from which can be derived the outputs / services to be costed. Another important precondition is the ready availability of financial information to support the costing.

Meanwhile, the Consultant has chosen to include information that is already available, cost of handling cases for the DPP.

The DDP runs High Court sessions up-country. On average a High Court Session last 30 – 50 days and cost 3.5 million shillings, a figure which is exclusive of salary cost.

For Chief Magistrate Sessions, allowances amount to 50,000 shillings a day for the State Attorney / State Prosecutor and 25,000 shillings a day for a driver, to which should be added the cost of fuel.

The above figures only include the direct cost of handling a case, excluding indirect cost such as e.g. buildings, equipment, and training. To what extent such costs need to be included shall require further considerations by the sector to arrive at common standards for calculating average cost of key services.

13.1.5 Cost of Handling Cases – the Courts of Judicature

A study on Workload, Jurisdiction, Structure and Cost Analysis was undertaken for the Judiciary by the Nordic Consulting Group² to assess the work carried out by all the levels of the professional courts.

The study was carried out in 3 magisterial areas identified on a regional basis covering the south-western, north-eastern, and central, which serves as the headquarters of the Judiciary. The criterion for the choice of magisterial area was the presence of all the courts comprised in the hierarchical arrangement of the courts of judicature i.e. High court, Chief magistrate's courts, Magistrate Grade I and Magistrate Grade II Courts.³ Thus a sample of courts was selected purposefully from Kampala, Mbale and Mbarara. The Study covers criminal and civil cases from 1999.

As part of the study approximate cost was calculated for a completed case. The study does not, however, detail which cost items were included in the calculation only that the number of completed cases for a year were divided into 'Funding for 1999'. This seems to imply that both direct and indirect cost for a particular court station were used for the calculation.

The results were as follows:

Table 4 Cost per Completed Case – 4 Levels of Court

Court	Total Thru'put	Funding for 1999 Shs.	Approx. Cost Per Completed Case Shs.
Court of Appeal	286	101,000,000	350,000
High Court	4,720	222,000,000	47,000
Chief Mag. Court	11,118	192,000,000	17,000
Grade I Mag. Court	3,747	24,600,000	6,5000

It is not recommended to compare cost of handling completed cases between the different levels of court. Court of Appeal and High Court cases are, on average, far more complex than Chief Magistrate Court cases and take longer time more resources.

Instead, it is recommended that targets be set for the different levels of court and comparisons of case completion cost made at the same levels. First, though, as indicated above, the sector needs to decide whether this is actually an adequate measurement tool and then decide on the way to calculate the cost for each level.

² Nordic Consulting Group DATE

³ There was an exception for Kampala which has the Court of Appeal.

13.2 Speed of Operation – Case Loads

At the time of preparing this year 2002 Criminal Justice Baseline Survey, information for many of the chosen indicators were not available. As an example, it was not possible to establish by actual numbers the response time to crime. There is no reporting on this item to central authorities.

Below are presented those findings that could be produced with the information available which predominantly relate to staffing, its distribution as well as case load for key staff in the major institutions.

13.2.1 The Uganda Police Force (UPF)

According to the Police Statute of 1994, the functions of the Ugandan Police Force (UPF) are:

- To protect life and property and other rights of the individuals
- To maintain security within Uganda
- To enforce the laws of Uganda
- To ensure public safety and order
- To prevent and detect crime
- To perform services of military force,
- To perform any other functions assigned to it under the statute.

The functions of UPF have been grouped in five core functional areas which are:

- Crime Management
- Public Order and Safety
- Traffic Management
- Community assistance
- Intelligence

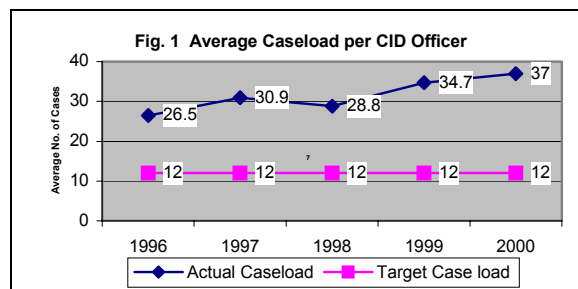
The following table sets forth the average case load per CID officer.

Table 5 Number of Cases per CID Officer

	1996	1997	1998	1999	2000
Number of officers in CID	1934	1676	2185	2346	2298
Number of crimes reported	51,277	51,854	62,853	81,517	84,914
Average no. of cases per officer	26.5	30.9	28.8	34.7	37.0

Source: Police yearbook 2000 and Consultant's collected material

The target case load per officer of 12 cases per year has never been achieved. In 1996 the actual caseload exceeded the target caseload by 121% and in the year 2000 by 208%. The figure below includes chart based on the above figures.



13.2.2 The Directorate of Public Prosecution (DPP)

In keeping with its' constitutional mandate, the DPP provides the following services:

- Directing the Police in investigations;
- Prosecuting criminal offences;
- Instituting and / or withdrawing criminal proceedings against any person;
- Offering legal advice to the Government;
- Counseling victims of crime.

The Directorate is headed by the Director of Public Prosecutions and is divided into 3 departments namely;

- i. **Inspection and Research Department:** This handles inspection, administration and coordination with other criminal justice agencies such as Police, Prisons and Courts, among other;
- ii. **The General Case Work and Prosecution Department:** This is in charge of all criminal files and prosecutions. It is this department which deals with allocation of case files updating files as well as coordinating prosecution.
- iii. **International Co-operation and Training Department:** this department deals with international crimes and training as well as extradition proceedings.

The DPP employs both professional and non professional staff. Professional staff comprise the State Attorneys who handle prosecutions in the courts of judicature as well as complicated cases in the magistrates courts. In addition to State Attorneys, the DPP employs State Prosecutors trained to handle cases in the Magistrates Courts. It is planned that these shall replace police prosecutors in the near by the year 2003.

The staffing for the DPP is further elaborated in the following chapter on Access to Justice. In summary, there presently exists a total of 26 Resident State Attorneys stations and 16 Resident State Prosecutors stations country wide. It has been proposed that at least 6 new State Attorney stations and 10 State Prosecutors offices will be opened every year, for the next five years with a view to cover all districts and selected counties.

The following table sets forth the average case load per DPP prosecuting staff. The figures are based on monthly returns for two months in early 2002 for the DPP's offices in Nakawa, Mbarara and Fort Portal.

Table 6 Number of Cases per Prosecutor Staff

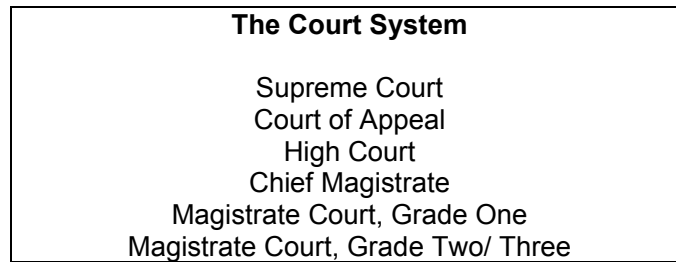
	2002
Number of Resident State Attorneys in Sample	10
Number of Resident State Prosecutors in Sample	28
Total Number of Cases for Above RSAs and RSPs	2,238
Average Caseload per RSA / RSP	59
Average Throughput per RSA / RSP	Not Available
Average Backlog per RSA / RSP	Not Available
Average Duration of Case – Months (1)	12

Source: The DPP's Office

1. Calculated from the time the DPP has received the case file and it has been scheduled for trial

A target has been set for the Police, which from the time of arrest is expected to spend maximum 6 months for capital cases and 3 months for non-capital cases on investigating the case, preparing the case file and handing it over to the DPP.

13.2.3 The Courts of Judicature



The Supreme Court and Court of Appeal are both located in Kampala.

In addition to the High Court in Kampala, there are 7 Regional High Court Circuits residing in the major towns outside Kampala. The current staffing for the High Court is 29 High Court Judges, some posted to the 6 Regional Circuits and others located in Kampala. The High Court Judges hear cases in Courts in every District outside Kampala and the Regional Circuit Courts according to a court calendar/schedule of sessions. The number of Judges limits the number of cases that can be heard in any one session.

There are 26 Magisterial Areas each with a Chief Magistrate. The Chief Magistrate's Court is the Court of Appeal for lower levels of Magistrates Courts and the court of first instance in some cases. The preferred number of Magisterial Areas is 56, which corresponds to the number of Administrative Districts and provides for additional Areas for Kampala itself.

There are 54 Magistrates Grade I corresponding to the present number of Grade I Magistrates Courts. There are currently 209 Magistrates Grade II and a total of 41 vacant posts. Grade II Magistrates preside in Courts in every Sub-County of which there are more than 800. However, as with the High Court they operate on a rotational basis and the buildings used for the sittings are not Courts per se but can be the hall of any sub-county administrative headquarters.

The Local Council Courts

The Local Council Court system operates to a great extent as an alternative dispute resolution mechanism that is more accessible and user-friendly dealing with a large range of cases. Although legally they are not supposed to hear criminal cases, they do so to a limited degree.

Local Councillors frequently rely on traditional methods and principles in their handling of cases which seems to appeal to its users. As is documented in Part III of this report, people use the resources of the LC Courts and even to a certain degree prefer the LCs to the Police and the Courts. There is insufficient documentary information on the number of cases they handle, how these are resolved and so forth.

The general finding is that courts are over burdened, especially the High Court. In addition to being the court of appeal for cases opened in lower courts, the High Court is the court of first instance for cases that can carry the death penalty. There are many basic and practical problems that affect the work of all the courts, like transport for Magistrates, transport of prisoners, quality of investigative work (time before criminal investigations are finalised, preparation of cases, and quality of investigation).

The previously mentioned study on Workload, Jurisdiction, Structure and Cost Analysis (see section 13.1.5 on Cost of Handling Cases – the Courts of Judicature) also calculated case load,

through put and backlog for the High Court, Chief Magistrate Court and Magistrate Grade I Court – see the three tables below.

The study was carried out in 3 magisterial areas identified on a regional basis covering the south-western, north-eastern, and central, which serves as the headquarters of the Judiciary. The sample was drawn from Kampala, Mbale and Mbarara and covers criminal and civil cases from 1999.

Table 7 High Court: Case Load, Through Put and Backlog

	1999
Number of Judges in Sample	28
Number of Cases	11,675
Average Caseload per Judge	417
Average Throughput per Judge	169
Average Backlog per Judge ¹	248
Average Duration of Case - months	10

1. Cases carried forward from 1999 to 2000

Table 8 CMC: Case Load, Through Put and Backlog

	1999
Number of CMs in Sample	22
Number of Cases	22,440
Average Caseload per CM	929
Average Throughput per CM	505
Average Backlog per CM ¹	423
Average Duration of Case - months	5

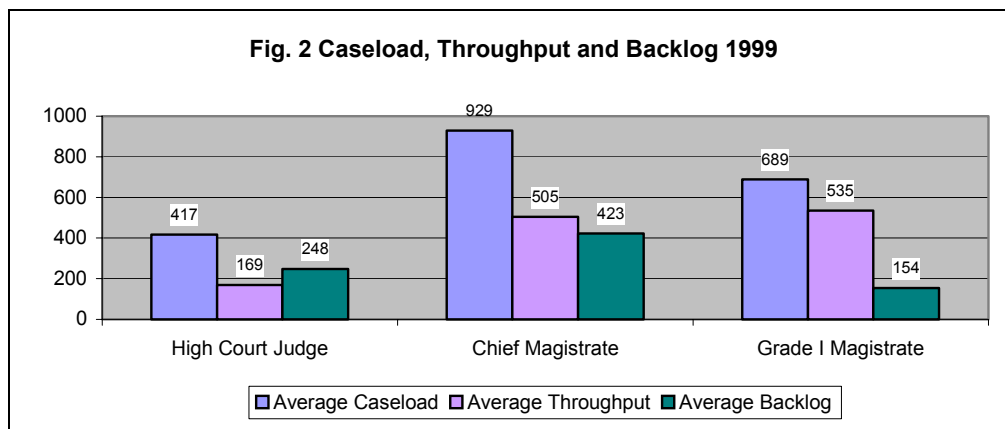
1. Cases carried forward from 1999 to 2000

Table 9 GIMC: Case Load, Through Put and Backlog

	1999
Number of GIMs in Sample	7
Number of Cases	4,825
Average Caseload per GIM	689
Average Throughput per GIM	535
Average Backlog per GIM ¹	154
Average Duration of Case - months	3

1. Cases carried forward from 1999 to 2000

The survey data is clear and consistent – the courts are far from able to handle their case loads.



The above findings were confirmed when the Consultant as part of this baseline survey examined data entries in the High Court on court cases. Only data for the years 1999 and 2000 were extracted, since, according to Management in the Data Centre, 1999 was the first year with a reasonable coverage. Staff continue to input data for 2000/2001.

The numbers illustrate the actual caseload per judicial officer, and the speed at which the courts are capable of disposing of cases. Furthermore, the number of dismissed cases gives a further indication of the bottlenecks in investigative and prosecutorial work carried out by the Police and the DPP.

Table 10 All Courts - Case management

	1999	2000	% change
Total number of cases dealt with in Courts	13,126	18,529	+41%
Number of cases ended with a sentence	1,770	3,447	+95%
Number of cases dismissed	982	1,671	+70%
Finalised cases in percent	20.9%	27.6%	

Source: High Court Data Centre and Ministry of Finance

The above figures must be assessed with some caution since the High Court Data Centre only achieved coverage of 80% of the courts in 2001. There are also clear indications that coverage improved from 1999 and 2000, which may have increased the numbers for 2000 relative to 1999.

In spite of the uncertainty of the figures a clear and positive trend in the output can be observed. The share of disposed cases to total cases increased from 20.9% to 27.6%. Moreover, the percentage increase of cases ending with a sentence (95%) is much higher than the increase in number of cases handled (41%).

A negative trend, however, is the very high, and increasing, percentage of dismissed cases (70%). The Consultant has sought explanations from the Courts and the Police on this high increase and it was explained by a number of factors relating to the Police. Under funding of the Police results in an inadequate capacity to prepare cases for the courts. This lack of capacity has many facets: Lack of transport (fuel and cars), lack of stationary, un- or poorly trained staff, inadequate filing system, generally poor office facilities, low salaries, and low morale.

Another underlying factor mentioned was that Police officers have a tendency to first make an arrest prior to adequate investigation or "probable cause" One of the reasons given for this phenomenon was that the Police officers are concerned that offenders may disappear if not put into custody. It is recommended that a study be conducted to determine in greater detail the causes to the high number of dismissed cases.

Another very interesting issue in connection with speed of operation is that of defilement cases and the burden they are to the justice system. Defilement carries the death penalty and therefore the High Court is the court of first instance.

According to the Penal Code Act:

- "Any man who has unlawful sexual intercourse with a girl under the age of eighteen years is guilty of an offence and is liable to suffer death"
- "Any man who attempts to have unlawful sexual intercourse with a girl under the age of eighteen years is guilty of an offence and liable to life imprisonment with or without corporal punishment."

In 1990 the age of consent was raised from 14 to 18.

Table 11 below indicates the number of defilement cases over the years as well as their percentage share of capital crimes and total reported crimes. Of special interest is the fact that defilement cases constitute a rising percentage of total number of reported crimes and more specifically, constitute ~ 50% of capital crimes reported. Also worth noting is that the number of defilement cases has increased by 100% and continue to increase.

Table 11 Number of Defilement Cases

	1996	1997	1998	1999	2000
No. of defilement cases	Not available	2,129	2,637	4,209	4,472
Other capital crimes				4,587	4,811
Defilement cases as percent of all capital crimes				47.9%	48.2%
Defilement as percent of all crimes	Not available	4.1%	4.1%	5.1%	5.2%

Source: Police yearbook 2000

An increasing proportion of limited JLOS resources are spent on cases of defilement. Key Informants were of the view that defilement cases constitute a severe problem.

Since defilement potentially carries the death penalty bail is normally not granted. A sampling of High Court cases indicated that suspects had spent, on average, four years in prison awaiting trial. The situation is aggravated by the fact that in many of the cases sampled, the victims and suspects are of the same age or the age difference is negligible, or the sexual relationship may have been consensual (in non-legal terms) and, in some instances, even resulted in marriage between the parties. Much time is used in court and financial resources spent on these cases thus contributing to the backlog in Courts and congestion in prisons not to mention the human suffering.

13.2.4 Uganda Prison Service (UPS)⁴

The Uganda Prison Service (UPS), under Ministry of Internal Affairs, was established under Section 216 of the Constitution of Uganda and Section 3 of the 1958 Prison Act (revised in 1964). These, together with the Prison Rules made under Section 76 of the Act, continue to provide the regulatory framework under which the Service operates. Although a new Prisons Bill was drafted in 1997, and later resubmitted as a revised Prison Bill 2000, it has to date not passed into law.

The role of the UPS is defined by its Mission as contained in the UPS Policy Document which articulates a clear vision. The UPS is committed to the maintenance of a just, safe and peaceful society by providing "reasonable, safe, secure and humane custody to offenders".

Outside of the Headquarters in Kampala there are eleven regions, headed by a Regional Commander (RC) and an Officer in Charge (OIC) at each prison. Below the Commissioner General of Prisons and the Deputy there are 13 levels of staff.

The UPS currently has 45 prisons of various security levels including prison farms, located throughout the country. Most of these were built in the 1920s for a much smaller population and at a time when the rate of imprisonment in the country was less than ~20 per 100,000. These facilities were adequate up until the 1970's when temporary facilities were constructed at prison farms. The current rate of imprisonment in Uganda has risen to ~101 per 100,000.

⁴ From: Uganda Prison Service, Strategic Plan 2001 – 2005.

The high rate of imprisonment should be seen against the background that most prisons are old and have not been expanded or renovated, in the recent past, and that virtually no new prisons have been constructed. The temporary prisons built in the 1970's have since collapsed. Further, wards destroyed during the 1979 and 1980's wars have not been rebuilt. The new construction that commenced prior to the war has never been revived. Presently, there is a dismally low budget for maintenance of dilapidated buildings; and, with the exception of efforts made by several donor countries, one can safely say that little progress in the way of significant renovations or construction has been made in the last two decades.

As a result, sanitary facilities, water supply, lighting, fencing, roofing of houses and prisoners' wards are all in dilapidated conditions. Accommodation for prisoners has been reduced to only 8,000 against the pressure for accommodation of nearly 16,000 prisoners currently in custody.

Staff are equally hard hit, and live in similar dilapidated conditions. Out of the nearly 3,000 housing units, less than 2,000 were originally built for human habitation. The rest are improvised temporary houses and uniports.

In addition to the above-mentioned centrally managed prisons, there are 137 Local Government prisons. These prisons are to be taken over by the Ministry of Internal Affairs, but the take-over has not yet been executed. In fact, both these prisons and the Local Administrative Police are supposed to be transferred from the Ministry of Local Government to the Ministry of Internal Affairs, however, the full legislation is still pending. One could best describe the situation by saying that the Ministry of Local Government has handed over the responsibility and the Ministry of Internal Affairs has not received the responsibility leaving local administrative Police and prisons in a very difficult situation. There is a need to address this situation legally, administratively and financially.

A caseload indicator for Prisons is the number of prisoners per warden. As this indicator also reflects Access it has been included in the section below on access.

13.3 Management Information Systems

13.3.1 The Ugandan Police Force (UPF)

The Police capture reported cases of crime and issue a yearly report as summarised, in part from Police Form I. The most recent report is for year 2000. The best performing districts and units are identified, and receive trophies and gifts for good performance.

Workload is also established on an annual basis. The ideal workload per CID officer has been set at 12 cases per year. As noted previously, In year 2000 the actual caseload was 37 cases.

The annual report also contains information on crime areas, criminals (age, gender, occupation), performance, rates per area, and trends in crime.

Given that the Police Head Quarters has been moved twice in recent years (1999 and 2001) and is now located in very cramped and dilapidated premises, it is very difficult to gather and compile management information on a regular basis. Although the Police receive funds on a monthly basis, the cumulative amount is often between only 50 and 70% of their approved budget. Thus the Finance Committee tends to consider the automatic priorities first, for example food for the dogs, which cannot be reduced. Salaries are also automatically sent in full every month.

The question of budget cuts and efficiency of police was discussed with staff at Police Headquarters and it was noted that morale is suffering under the constant lack of funds and the budget cuts. Problems are arising due to lack of transport, dilapidated offices and police stations. This naturally affects due diligence in crime reporting and compilation of statistical data. Limited budgets also affect the provision of the tools necessary for data collection such as forms. It was also said here that the many dismissed cases were caused by problems with funds, low morale, and bad training. Again, defilement cases and difficulties in taking them to court was a major problem.

13.3.2 The Directorate of Public Prosecution (DPP)

As with the courts, the DPP is implementing a computerised system to track their cases. The system is named PROCAM and stores information about DPP cases at headquarters and at other computerised RSA stations. Ideally, the system should be installed in all central DPP offices, however, the cost of installing the system and maintaining it has prevented a full roll-out.

PROCAM has replaced register books and forms in the offices where it has been installed, and the register books' and forms' function as central registration point of DPP cases.

PROCAM was designed to enable computerised:

- Tracking of the location of DPP, Police and Court case files
- Administration and registration of case files
- Improved service information to the public
- Improved observance of the legal rights of the individual
- Monitoring of the efficiency of the Directorate of Public Prosecutions

- Monitoring of the progress of cases
- Monitoring of trends of criminal offences committed
- Monitoring of recruitment needs
- Identification of training needs

To support these objectives, PROCAM was designed to capture information regarding the stages the DPP cases progress through, in addition to the information contained in the old register books and forms. The stage information is provided by the action officers, as they are aware of the stages their cases pass through. In addition to the case registration details (including DPP, Police and Court station codes), the PROCAM records information on the accused (e.g. name, address, repeat offender, prison code), the charge / sentence (e.g. Offence and Sentence ID), status of the accused, victim details (name, occupation).

The PROCAM was designed to be able to import information from the Court's CCAS system thereby integrating information from the Courts processing of the cases with the information entered into the PROCAM on Prosecution.

13.3.3 The Courts of Judicature

The Courts of Judicature maintain a Court Case Administration System (CCAS) at the head quarters in Kampala. All courts in the country are required to submit information on all criminal cases, and 80% now comply. The Data Centre staff are continuously entering data, and are, at present, entering data for year 2001. The process began in 1997 and by 1999 a reasonable coverage had been made.

The following information is entered:

- The case number,
- The names of the accused,
- The type of offence,
- Stage of the case, and
- The date of case completion.

The system was not designed to manipulate the data for statistical purposes. It is only possible to sort the information by court not by e.g. crime. Also, the date for opening the case is not captured and there is no system for tracing individual cases from the first report of a crime to the sentencing of the offender(s). The rest of the information has to be extracted manually.

Thus, the Courts of Judicature can be said to have an information gathering system, but this cannot be equated to a management information system. The current system can be upgraded for management information purposes. The Judiciary apparently intends to seek such an upgrade. Similarly, the Ministry of Local Government is at present trying to document the Local Council Courts to monitor case management and caseloads.

The current management information systems in the JLOS are insufficient because they are not interconnected and their use is not clearly identified. It would be very useful if a uniform case management system, as proposed in the JLOS Strategic Investment Plan, were introduced in order to be able to track the individual cases through the system (police/courts/prisons), and to establish the types of crime, age and gender of the suspected criminal, time intervals between court acts, etc. A holistic JLOS management information system would allow more accurate monitoring of crime, and allow for effectiveness and efficiency monitoring of the services provided by JLOS on a continuous basis.

13.3.4 Uganda Prisons Service (UPS)

Uganda Prisons Service has a management information system. Information on inmates is collected on a weekly basis. Detailed information on Central Government Prisons is compiled quarterly, and surveys drafted on the basis of forms filled in by prison officers in charge. Uganda Prison Service collects information on prison population, numbers of convicted and remands, and also maintains information on conviction/charge. The management information system, however, is neither computerised nor coordinated with the other JLOS institutions' registration systems.

A weakness of the current system is its omission of registration of recidivists. A prisoner is given a new registration number every time s/he enters a prison. Since local government prisons are not incorporated in the Uganda Prisons Service, records on their estimated 5-6000 prisoners not readily available.

The central government prisons quarterly surveys are submitted to all heads of section in Uganda Prison Service. Asked what management used them for, it was said that the surveys mainly are used to create debate, but they are not used as a management tool. On the question of whether situation reports were used to prioritise repair or maintenance it was said that the situation in prisons is so terrible that nobody knows where to start.

14 Access to Justice

The Access to Justice section focuses on the accessibility of services, such as proximity of institutions to the users, staffing levels and, for the police, the number and regional distribution of vehicles.

14.1 Physical Proximity and Staffing Levels

A key indicator for access is the physical proximity of the institutions to their users. There is, however, insufficient information available to appropriately monitor these indicators at this point in time.

As a consequence, it is neither possible to monitor the indicator relating to the proportion of the district populations living within XX kilometres of a Police Post or a Grade I Magistrate Court. The Uganda Police Force has proposed the national census seek to establish the population in relation to proximity to police services which should prove to be useful human resource management information.

Given the incongruence between the 13 police regions, and the 4 regions used in this study, crime rates for districts cannot presently be calculated. Also, staff establishment and actual strengths are not available per district for the police and the prisons.

Though staff establishment is available for the DPP and Judiciary per district, they have been aggregated to reflect the situation by the four (4) regions used in this study.

14.1.1 The Uganda Police Force (UPF)

Total approved strength for the Police is 25,160 of which 15,041 posts are filled, 10,789 vacant, while a further 530 posts are proposed. There is a current over establishment of 140 against the approved establishment with respect to particular grades of post.

It is the consultant's opinion that an unwarranted proportion staff of the Uganda Police Force is located in Kampala either as a division of Police Headquarters or attached to Police Units which primarily serve Kampala City and its suburbs. The total number of uniformed and support staff based in Kampala is 7,143 against an approved establishment of 13,175, or 71.3% of actual strength and 52% of established posts, which points to strategic prioritising of Kampala when filling vacancies rather than other parts of the country.

It should be pointed out that the Mobile Police Patrol Unit (MPPU) accounts for a high proportion of the total of both established and filled posts. Total establishment is 5087 of which there are 2342 posts filled (46%) and 2767 vacancies (54%), the balance of the vacancies comprising newly proposed posts.

It should also be noted that the Fire Brigade in Kampala, which is considered part of the Police Force also accounts for a considerable number of posts, with 1077 established posts of which only 384 are filled (36%).

When converting the Police Regions to the Regions used for analysis in this survey, the regional distribution is as follows:

Table 12 Disposition of Police Staff by Region – All categories

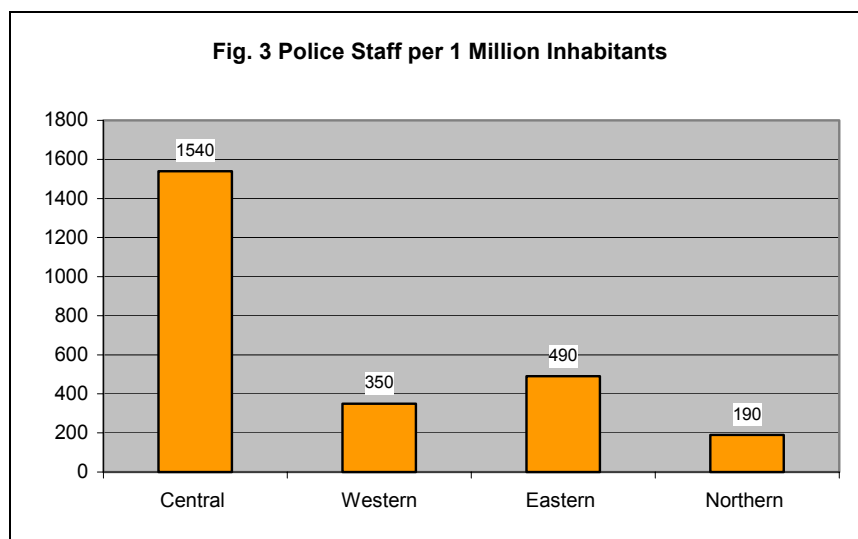
Region	Established Posts	Filled Posts	Vacant Posts ¹
Central, Total	17,006	9,503	7,113
Central Outside KLA	3,831	2,360	1,499
<i>Police Staff / 1 Million Inhabitants</i>		<i>1540</i>	
Western	3,717	2,164	1,590
<i>Police Staff / 1 Million Inhabitants</i>		<i>350</i>	
Eastern	3,589	2,760	867
<i>Police Staff / 1 Million Inhabitants</i>		<i>490</i>	
Northern ²	1,759	796	1,150
<i>Police Staff / 1 Million Inhabitants</i>		<i>190</i>	

Source Police Personnel Records and 1991 National Census

1. Includes newly proposed posts

2. No figures are given for Moroto, Kotido and Nakipiripirit Districts either because no police are posted there or due to lack of data

The figures for the number of Police Staff per 1 million inhabitants are illustrated below:



The small numbers of Police actually on the job in the Northern Region, bearing in mind its geographic extent, are pitifully few. It is possible, however, that some policing has actually been the prerogative of the army due to extent of civil conflicts over the past few years.

Physical Resource Management: Vehicles and Fuel Allocation⁵

It is noteworthy that not all districts have a vehicle. In fact, vehicles appear not to be allocated on the basis of population size or reported crime given that 76 % of police vehicles are located in the central region (see fig 5 below). This more accurately reflects that more senior staff are posted at headquarters.

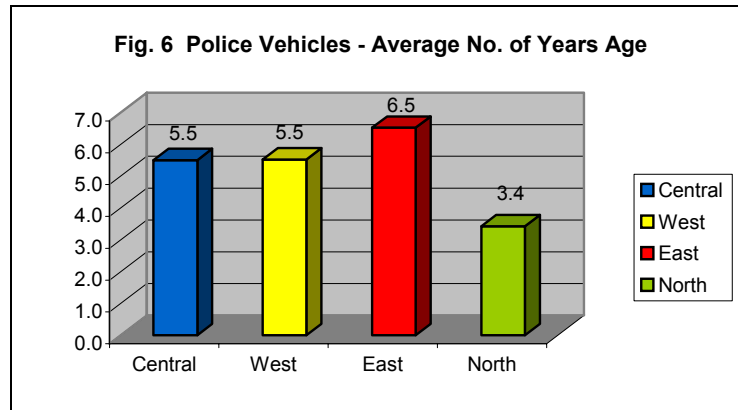
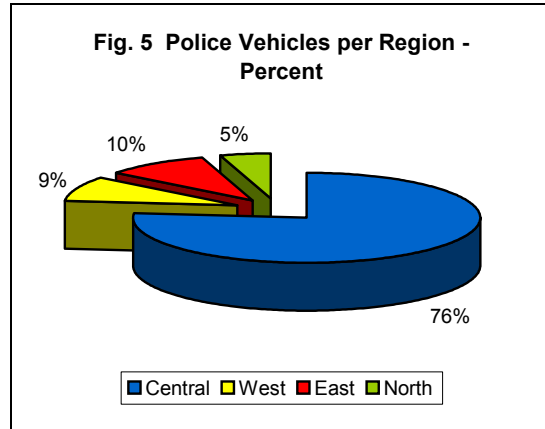
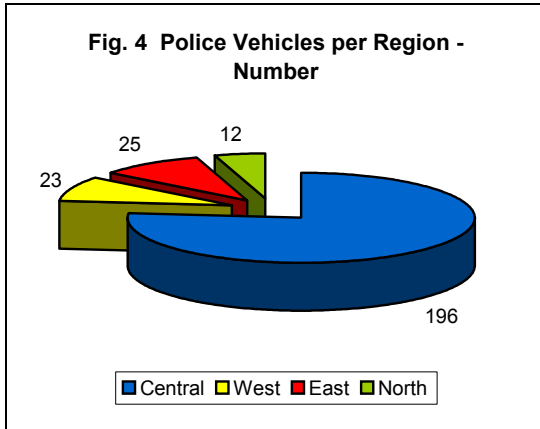
It does, however, disregard the fact that a larger proportion of the population live in other regions and that the incidence of crime is higher elsewhere (see Part I). It also disregards the

⁵ The section on Police Vehicles and Fuel Allocation is from the report on Police Vehicle Fleet Management Information System Project, Orchid Detection Systems (U) Ltd., Jan. 2002

fact that distances to travel for investigative purposes are greater elsewhere, and that the road infrastructure and communications facilities are poorer.

Fuel allocations are identical for every district, based on number of vehicles, and not based on size or complexity of districts, or on the incidence of crime. 300 litres is allocated per month for a 4-wheel vehicle and 100 litres for a motorcycle. The number of litres per vehicle may be increased to 500 litres where departments within the police share a vehicle.

The distribution of the Police Vehicle Fleet and its age by the four regions are given below:



The Vehicle Fleet Management Information System Project report also notes that poor management of the police vehicle fleet is due to lack of spares and parts, low quality parts, and the lack of funds for repair and maintenance.

It is also noted that the ratio of general duty to operations vehicles is too high 1:1, this means that for every operations vehicle there is one manager's vehicle. It is proposed that this may result in low utilisation. The report, which has been reviewed by Police management, recommends a ratio of 1 management vehicle for every 4 operations vehicles.

14.1.2 The Directorate of Public Prosecutions (DPP)

The DPP staffing list per station and district used below is dated 30 June 2001, while this survey covers the period ending year 2000. The DPP's office, however, informed that the staffing in June 2001 was close or the same as for the year 2000.

Table 13 No. of State Attorneys, State Prosecutors

Region	State Attorneys	State Prosecutors	No. of SP on Clerkship
Central	30	73	19
<i>No. per 1 mil. Inhabitants</i>	<i>4.9</i>	<i>11.8</i>	
Western	8	34	12
<i>No. per 1 mil. inhabitants</i>	<i>1.3</i>	<i>5.5</i>	
Eastern	4	51	19
<i>No. per 1 mil. inhabitants</i>	<i>0.7</i>	<i>9.1</i>	
Northern	4	24	13
<i>No. per 1 mil. inhabitants</i>	<i>0.9</i>	<i>5.7</i>	

The regional resource allocation for the DPP is not as skewed towards the Central region as for the Police Vehicles, but the tendency is clear – Central receives a significantly higher share of the resources (staff) and the North is often compromised. See also fig. 7 for a comparison between institutions.

14.1.3 The Courts of Judicature

The information on work force establishment in this section is based on the Report on Workforce Establishment, Analysis and Remuneration for the Uganda Judiciary, Volume 3 prepared by Associates for Change and dated 26 June 2000. The report cautions that information was difficult to obtain and may be inaccurate. The information can be broken down by district.

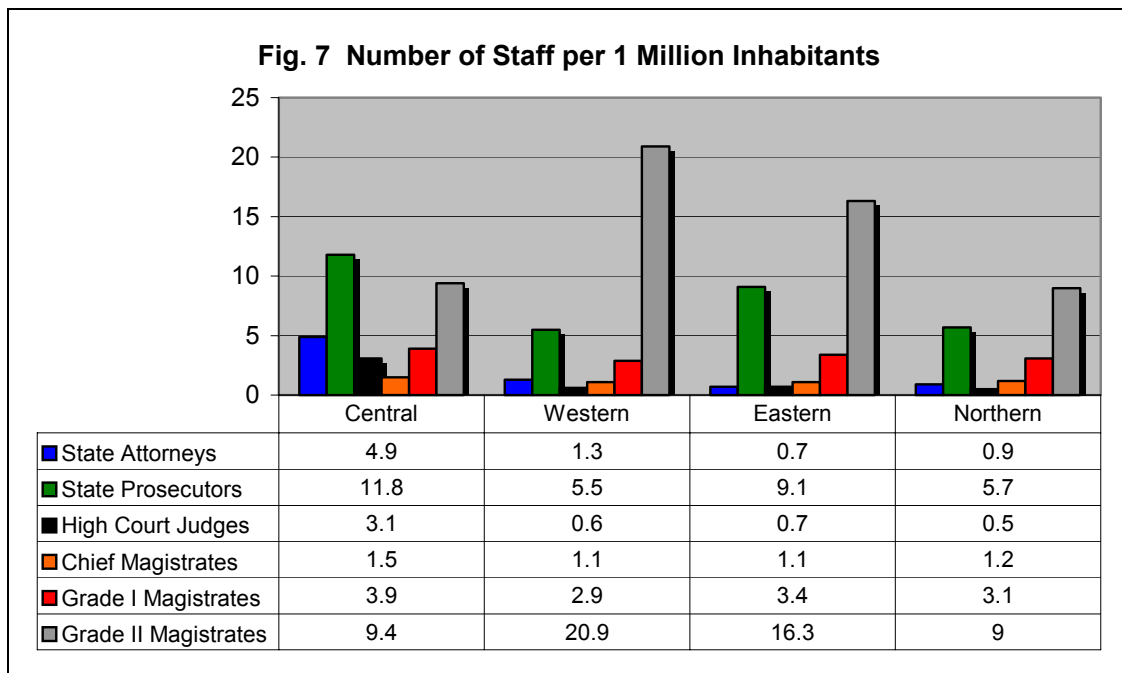
The workforce establishments listed below are based on operating courts.

Table 14 No. of Judges, Chief Magistrates, Grade I and G II Magistrates

Region	High Court Judges	Chief Magistrates	Grade I Magistrates	Grade II Magistrates ¹
Central	19	9	24	58
<i>No. per 1 mil. inhabitants</i>	<i>3.1</i>	<i>1.5</i>	<i>3.9</i>	<i>9.4</i>
Western	4	7	18	129
<i>No. per 1 mil. inhabitants</i>	<i>0.6</i>	<i>1.1</i>	<i>2.9</i>	<i>20.9</i>
Eastern	4	6	19	92
<i>No. per 1 mil. inhabitants</i>	<i>0.7</i>	<i>1.1</i>	<i>3.4</i>	<i>16.3</i>
Northern	2	5	13	38
<i>No. per 1 mil. inhabitants</i>	<i>0.5</i>	<i>1.2</i>	<i>3.1</i>	<i>9.0</i>

1. The GII Magistrates are to be phased out over the coming 2-3 years

The above figures, including number of State Attorneys and State Prosecutors per 1 million inhabitants are presented in the figure below.



The regional distribution of the Courts' resources is more equitable than for the Police and the DPP. In fact, for Chief Magistrates and Grade I Magistrates, the ratio of Magistrates to population is fairly equal across regions.

14.1.4 Uganda Prison Service (UPS)

The authorised establishment for uniformed staff in the Prison Department against actual strength during the period 1997-2001 is set forth in the below table.

Table 15 Strength Against Authorised Establishment

	1997	1998	1999	2000	2001
Strength against the authorised establishment of 8090 uniformed staff	2692	2618	2467	2397	2320

Source: Uganda Prison Service

The table clearly shows that Prisons are grossly understaffed. Given the constant over-population, and the very limited means at hand for improving staff conditions the situation is clearly unsatisfactory.

The low strength compared to establishment means that it is not surprising that the number of prisoners per warden is very high. Table 16 illustrates the average population in prisons in relation to approved accommodation of 8530 persons in 42 central Government prisons:

Prison Population

The table below shows that, on a constant basis, prisons has a population that is approximately twice the approved numbers; and that the number of prisoners is more or less constant over the period, in spite of the fact that the reported crime level has risen significantly over the period. Thus using the prison population as an indicator beyond the levels of congestion is problematic. It may be more useful to measure the length of stay on remand, and to note that with improved efficiency the JLOS may in fact generate an ever increasing number of prisoners.

Table 16 Average Population in Prisons in Relation to Approved Accommodation

	1996	1997	1998	1999	2000
Average population	-	15,560	15,232	15,958	15,313
No. of staff	-	2170	2110	1966	1659
Prisoner per Warden	-	7.2	7.2	8.1	9.2

Source: Uganda Prison Services and Ministry of Finance

It is notable that of the 46 central government prisons, 14 are under capacity while the others are so much the more over congested. This is related to the amount of habitable space within the prison estate. As indicated in the Uganda Prison Service Strategic Investment Plan, renovation and rehabilitation of many prison facilities may ease congestion without the need for new construction efforts.

By the end of 2001, the population in prisons consisted of 5,385 convicted persons and 10,424 persons on remand for a total of 15,913. Of the total prisoners, remands and convicts, 594 prisoners were female.

This data illustrates the real importance of speeding up the investigation and court processes as means of easing or containing congestion and reducing human suffering. Apart from the human suffering, there are large costs in connection with remand, calculated at UG Shs 2000 per day per prisoner, while the number of dismissed cases gives an additional dimension to the problem.

14.2 Alternative Dispute Mechanisms

Alternative dispute mechanisms are more commonly used for civil than criminal cases. A substantial minority of Household Informants reported that they reported cases to the LCs in the first instance, such cases being both of a criminal as well as civil nature. Household Informants further underlined their confidence in the LCs in questions that formed part of the Opinion Survey.

In addition, participants in Focus Group Discussions and other informants referred to a number of ways in which they thought that the Local Council Courts have an advantage, especially when dealing with less serious cases.

14.2.1 The Local Council Courts

The Local Governments Act of 1997 regulates local councils. There are five levels of Local Councils. There are no specific provisions that refer to their responsibilities or powers to hear and try or arbitrate cases, except with respect to the enforcement of by-laws that they themselves may have made and schedule 1 of the Judicial Powers Statute, 1988. This is in process of revision

Their general functions include (clause 49 (c)) "at the County and Parish level to resolve problems or disputes referred to it by relevant Sub-County or Village Councils". While at Parish and Village level they are expected to "assist in the maintenance of law, order and security". It is, however, generally known that each level of Local Council, more particularly in a Village, may form a Court to hear cases of disputes between residents.

The LC Courts are prohibited from handling criminal cases. According to those interviewed, however, they often do so. In addition to marital and land disputes, they deal with cases that are of a criminal nature including defilement, child abuse, theft, especially of agricultural produce and livestock, simple assault or fighting, witchcraft, poisoning and trespass. This is not an exhaustive but an indicative list. These cases may arise in the first instance as the outcome of disputes between residents and the margin between what is properly criminal and what is civil is not always clear.

Local Council Executives may also "arrest" suspects before handing them over to the Police. They frequently are instrumental in locating criminals and stolen property.

One problem of the LC Court system is that if disputants are not prepared to accept the rulings of these Courts, they may appeal to a higher level of Local Council or to the formal Court system. This can create difficulties as they do not have the expertise to document cases in a way that can be referred to by the formal Courts.

A major problem of these Courts is that they are largely unregulated; staff wholly untrained and seldom, if ever, keep accurate written records of proceedings or decisions. It is thus problematic if the litigants take a case to the Magistrate's Courts, since it is impossible to refer to the content or outcome of earlier proceedings.

On the other hand, the LC Courts have the advantage of being accessible geographically, culturally and linguistically. They are cheaper and quicker than the formal legal system. Most of those questioned said they felt more comfortable going to the LC with their problems than to the Police and Courts.

14.2.2 Kinship Systems

There are other less formal ways than the institutionalised LC Courts, of dealing with civil disputes and criminal cases, such as defilement, which take place within the family unit and complement the formal justice system. These are clan, lineage or family elders. In the context of a rapidly changing society, however, that is becoming more heterogeneous, resort to kinship structures is no longer frequent. Furthermore, as in the case of LC Courts, they are not supposed to mediate criminal cases.

Another issue that relates to alternative dispute mechanisms is the traditional concept (also an element in Islamic law) of atonement through compensation as a way of dealing with many types of cases, and it is an inadequacy of the penal code that victims are often forgotten when "justice" is dispensed. Victims rarely get recompense for their pain and loss or humiliation as has been said in case of rape. In cases of even simple theft, it was reported by some informants that Court and Police exhibits are not always recovered and returned to those from whom they were stolen.

The traditional concept that atonement through compensation is better than harsh punishments that ignore the victims, has implications for every part of the judicial system. For instance, whilst defilement should attract harsh penalties handed down by the Courts, it is often settled by payment from the defiler to the father of the victim as a result of conciliation by the LC Courts or even as an outcome of negotiations between the two families. Unfortunately, the actual victim herself may not benefit from the payment of such damages.

14.3 Access to Legal Aid

In capital cases the State is required to provide legal aid to defendants through the State Briefs Scheme. According to information obtained in interviews this is always adhered to, although the quality of some lawyers' engagement in cases reflect that the judges determine a fee which is far lower than what they obtain in cases where individuals hire their services directly.

In other types of cases few have access to legal aid, the only facility being Legal Aid Service Providers such as the Legal Aid Project that has offices only in a limited number of districts and utilises the services only of a limited number of lawyers. These deal with both criminal and civil cases.

Figures for cases received and completed by the Legal Aid Project are given in the below tables. The tables have been generated based on the Legal Aid Project's Annual Report. The latest report that includes comprehensive figures for all offices is from 1998. It was not possible to obtain figures for 1999 and 2000 from the Legal Aid project.

It should be noted that the numbers are incomplete, as up-country offices do not always submit reports to headquarters in Kampala. Moreover, while adding up the figures some inaccuracies were discovered. Note that the total number of cases received as illustrated in the first table is slightly lower than the number of total cases given in the third table – Distribution of Cases.

Table 17 sets out figures for cases received and completed and the tendency is clear with the number of cases received increasing steadily and the Kampala office handling the highest number of cases.

With regard to the figures for completed cases, please note that a number of cases are handed over to private practitioners.

Table 17 Legal Aid: Cases Received and Completed

Office	1996		1997		1998		1999		2000	
	Rcvd	Comp.	Rcvd	Com.	Rcvd	Com.	Rcvd	Com.	Rcvd	Com.
Kampala	1141	-	1282	585	1509	451	-	-	-	-
Jinja	345	-	368	-	773	-	-	-	-	-
Kabarole	367	-	481	-	468	-	-	-	-	-
Gulu	340	21	215	26	494	101	-	-	-	-
Total	2193		2346		3244		0	0	0	0

In Table 18 the number of cases received have been broken down by gender and not only are most cases submitted by women but the number is also increasing relative to the men reaching 2/3 of all cases received in 1998.

Table 18 Legal Aid: Cases - Received by Gender

	1996		1997		1998		1999		2000	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Total	800	1048	881	1465	805	1666	0	0	0	0
Percent	43.3%	56.7%	37.6%	62.4%	32.6%	67.4%	-	-	-	-

Table 19 shows the distribution of cases for different categories. By far the largest numbers of cases fall within the category of Child Maintenance and Custody having 28.1% of all cases. Next follows cases over Land or Property Disputes with 14.8%.

Table 19 Distribution of Cases Received 1998

Categories of Cases	Total	Percent
Land Disputes and Property Dispute	500	14.8%
Administration of Estates	278	8.2%
Labour Claims / Unlawful Dismissals & Small Debts Claim	306	9.0%
Child Maintenance & Custody	951	28.1%
Domestic / Marital Problems	250	7.4%
Defilement and Child Abuse	64	1.9%
Divorce & Separation	57	1.7%
Legal Advice	123	3.6%
Criminal Cases	127	3.8%
Accident Claims & Compensation	86	2.5%
Human Rights / Illegal Arrest & Detention	63	1.9%
Court Representation	78	2.3%
Breach of Agreement	52	1.5%
Property Rights	11	0.3%
Wrongful Eviction	26	0.8%
Other Civil Cases	26	0.8%
Assault and Battery	53	1.6%
Counselling	40	1.2%
Succession Matters	56	1.7%
Theft	3	0.1%
Others	232	6.9%
Total	3382	100.0%

15 Quality of Justice

15.1 Household Experience with JLOS Institutions

This section is drawn from the survey on End User Perceptions, which are reported on at length in Part III. For background information on how the survey was conducted for additional results please refer to this report's part III.

15.1.1 Overview

The experience of Household Heads or their Spouses supports some of the findings from secondary documentary sources of information on the actual situation, and provides further insight into some of the issues raised.

More particularly, household experience provides a measure of

- ☞ The extent to which the ordinary citizen has dealings with JLOS
- ☞ The extent to which crime is being handled outside the formal justice system
- ☞ The proportion of cases which actually come to trial.

15.1.2 Extent of Experience

Household Informants were asked if they or any member of their households had ever had experience of dealing with JLOS, in any capacity. A surprisingly large percentage had had such experience, although this did not co-relate positively with opinions expressed about their performance meaning that the percentages having the view that they were good or bad did not differ from those who had never had such experience.

The proportions of the Household sample who admitted to having had dealings with JLOS were as follows:

- ☞ Central Region 42%
- ☞ Western Region 43%
- ☞ Eastern Region 27.5%
- ☞ Northern Region 51%

The Table below indicates the context of this experience. The percentages presented are of those who had had experience and not as a percentage of the whole sample.

Table 20 Nature of Household Informants Experience of JLOS

Region	Complainant	Suspects	Witnesses
Central	51	28	19
West	56	34	10
East	33	41	16
North	32	31	32

It is apparent that, with the exception of the Eastern Region, most contacts are in the context of complainants rather than as a result of being an offender or witness to a crime. Nevertheless, a significant minority are also involved as offenders. To underline this, more than a quarter of households who had been involved with JLOS directly had had a member who was a suspected offender.

Bearing in mind that the size of the sample who said that they had direct experience of JLOS institutions was slightly under half of the sample, this translates into a figure of approximately one (1) in ten (10) households who have had dealings in one way or another with the JLOS. It should also be stressed that the point of first contact is most usually the Police as far as the formal Justice system is concerned; although, as is shown below, other authorities, rather than the Police may be being resorted to.

Household Informants were also asked the nature of the most recent case in which household members had been involved. Their responses are also tabulated below

Table 21 Nature of Cases in Which Household Members had been Involved

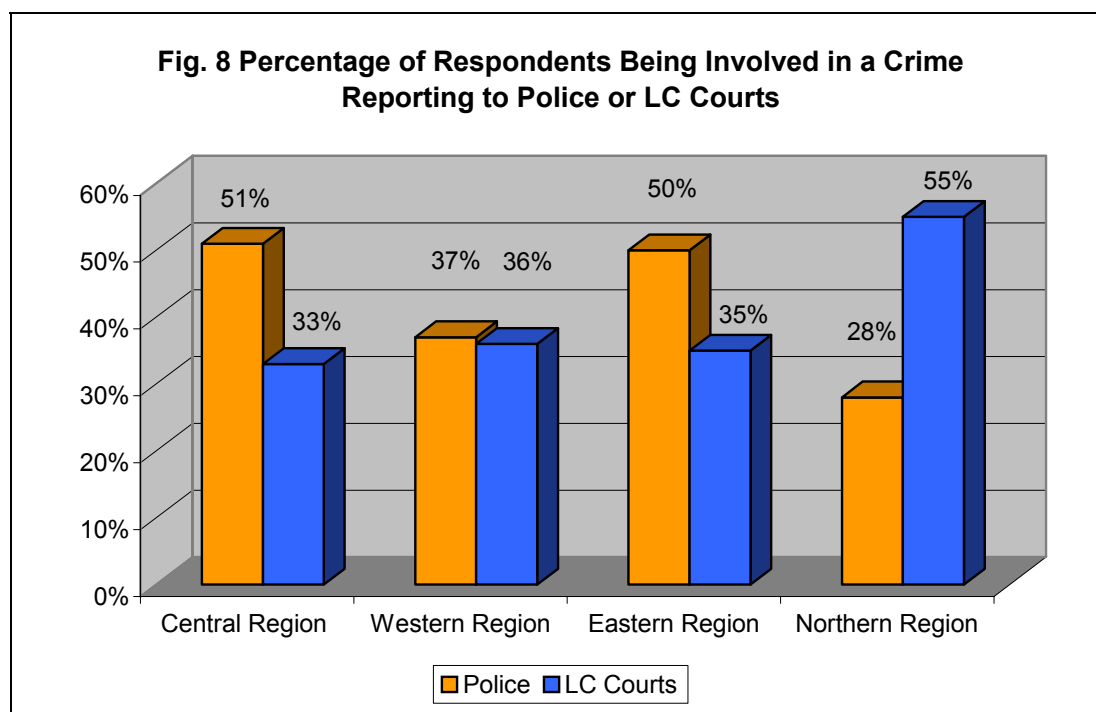
Region	Robbery With Violence	Defilement Rape	Theft	Matrimonial Dispute	Land Dispute	Affray	Other ¹
Central	9	0	27	19	10.5	15	7.5
West	8.5	8.5	24	13	8	9	29
East	6	1	19	19	9	22	24
North	4	4	15	15	11	20	31

1. Other includes witchcraft, drug abuse, gambling, idle and disorderly, tax default and traffic cases, each of which features in small numbers in every region. The most significant are those analysed separately herein.

15.1.3 Reporting Procedures

Household Informants were asked if the crime in which their household members had been involved were reported and if so to whom. One half or less of these crimes were directly reported to the national Police Force.

A scattering of cases were reported to other institutions, however the main alternative place of reporting was the Local Council Courts. The percentages reporting to Central Government Police and Local Council Courts are presented below:



The extent to which the Local Council Courts are the first point of contact points to the importance and strength of the Local Council system in handling criminal cases of all kinds.

While some of the cases initially reported to the LCs are later reported to the Police, a larger proportion is assumed to have been dealt with by the LC Courts and thus do not form a part of crime incidence statistics.

It can be further assumed on the basis of these figures **that a probable 50% of crimes go unrecorded**. The total number of offences that remain hidden in this way is likely to be even higher than this as many people do not trouble to report minor thefts, much defilement remains secret and many assaults, especially within the domestic context are likewise handled informally. As stated, Police records are likely to provide a more complete picture of the incidence of serious and capital crime (with the exception of defilement) than for economic and petty crime.

15.1.4 Reasons for Not Reporting to the Police

Household Informants were asked why they did not deal with the Police in the first instance. The main reason for not reporting to the Police was claimed by most to be due to their need to be paid bribes or otherwise demand money. The table below sets out the reasons given for not reporting. These are shown as a percentage of those who did not report and not as a percentage of the whole sample **or** the sample of those who had dealings with JLOS:

Table 22 Household Reasons for Not Dealing with the Police

Region	Too Far	No Trust	Need Money	Demand Bribes	Demand Transport	Delay Too Long	Other ¹
Central	3	3	9	26.5	38	12	8.5
West	39	5	5	28	8	5	10
East	7	0	11	44	11	22	5
North	2	2	3	76	8.5	3	5.5

1. Other includes other available solutions that involving the Police

The reasons that Household Informants give for not dealing with the Police are very instructive. Altogether cost accounts for a minimum of 41% in the West to 87.5% in the North, far outweighing other factors. Nevertheless the extent to which those in the West as contrasted with all other regions, including the North, rate distance as a major reason for not consulting the Police further underlines the need to increase their presence there.

15.1.5 Household Experience of the Quality of Police

Household Informants who had taken their case to the Police were asked if they were satisfied with the way in which it had been dealt with. Only a minority approved of the manner in which the Police handled their case as is shown in the Table below.

Table 23 Household Experience of Dealing with the Police

Region	Very Satisfied	Satisfied	Not Satisfied	Very Dissatisfied
Central	7	34	33	26
West	3	18	60	19
East	6	22	57	14
North	23	25	39	12

There are significant variances in the extent of dissatisfaction expressed by informants in the different regions with those in the West being least satisfied and in the North more satisfied. Nevertheless, the proportions who were disappointed at the way in which they were dealt with by the Police from a 51% in North to 79% in the West is cause for considerable concern.

The following story told by a woman in the Eastern Region illustrates many of the problems that clients of JLOS, particularly of the Police, experience. It also underlines the special problems of women seeking justice that can make it seem almost unattainable. Where is the quote?



Women not only have to contend with the inequities in the system arising from the need to pay for so many of the services of those they encounter in the JLOS system, but also the traditions of their communities in which the woman is in a subservient position with respect to the male members of her family, particularly her father and husband and beyond that males in society as a whole.

The story describes not only the particular situation of this one woman but further reveals how it is possible for so many other cases of assault and defilement that take place within the setting of the family to go unreported.

This is a case of a woman in the East, which has had a more settled history in recent years. Civil disturbances, however, and conflicts, economic migrations and the consequent breakdown of the extended family systems that have, at times, provided support for women, have served to further isolate her, while the absence of the development of modernized social services to which she can turn does nothing to alleviate the situation.





While NGOs such as FIDA do much in particular cases and to an increasing degree to take up cases involving women, their reach is limited.

- ☉ *“One day, I was badly beaten by my husband. Since my parents live nearby, I decided to run back home. My father on seeing preferred to report the case to police as I had bad injuries.*
- ☉ *On reaching police, they asked us for 5000/= for opening the file and 10.000/= for transport to go and arrest my husband. We did not have that money. But the officer squeezed us that he had already started recording the case so the file has to be paid for. We realized that paying was not optional but a must. We begged to be given only that day to look for the money. They gave us a deadline that the money had to be the next morning of the next day.*
- ☉ *My Father that evening got a neighbour to buy one of his goats. That night I felt much pain from the beatings especially the kick near the ribs and my parents were in a dilemma whether to use that money to treat me or take to police. My father out of fear decides to take the money to police. That very evening I heard that the police had come and arrested my husband.*
- ☉ *After about two days, neighbours told me that they had seen my father in law selling our three goats. That the Police need 60000/= so that they could release my husband.*
- ☉ *Well he was released and I am back with him, not treated and all the goats sold. Everybody is blaming me for having gone to the Police. I will never go there again. You just enrich other people through your problems.”*

15.1.6 Proportion of Cases Reaching Court

Household Informants were asked whether the most recent case in which any of their household members had been involved reached the High or Magistrates Courts. They reported that less than half of these cases had actually reached Court in any of the Regions.

The proportions are as follows:

 Central Region	30%
 Western Region	39%
 Eastern Region	38%
 Northern Region	47.5%

15.1.7 Household Experience of the Quality of the Courts

Of the cases that did reach Court more than half were satisfied with the way their case had been handled. Respondents in the Central Region were least satisfied, with slightly more than half being dissatisfied, however a much larger percentage of cases never reached Court at all, as is shown in the Table below:

Table 24 Household Experience of the Formal Court System [Percent]

Region	Case Never Went to Court	Very Satisfied	Satisfied	Not Satisfied	Very Dissatisfied
Central	70	3.5	12	7	7
West	61	3	10	16	10
East	62	9	24	4	2
North	47.5	16	15	13	8

The main findings from interviews with those who have had personal experience of dealing with the JLOS are that the key areas of concern, as will be further elaborated in the outcome of the Opinion Survey are the extent to which cost discourages access.

There are, however, other problems and quite considerable regional disparities that seem to point not just to differences in perception due to socio-economic/cultural influences but to actual disparities in the quality of services being provided in different places, their relative effectiveness and efficiency, relative accessibility and the relative quality of justice that they purvey.

There is need for more internal evaluation by each institution of how different units are performing. Efficiency could thus be judged for instance, not by an arbitrary cost benefit yardstick but according to a league table system that measures the extent to which particular units achieve certain goals at a specific price.

A further important finding is the extent to which alternative mechanisms, particularly the LC Courts appear to be utilized, which is also discussed in more detail in Part III of this Report. In addition to this the findings provide some indication of the proportion of cases that are not part of official statistics and suggestions as to an even greater number that are completely silent.

15.2 Adherence to Human Rights Standards

With respect to documentation of adherence to human right standards against Constitutional provisions, there is no comprehensive documentation or estimation as to the extent to which this is achieved, although there are a number of reports of Commissions of Enquiry, such as the Report of the Judicial Commission of Enquiry into Corruption in the Uganda Police Force May 2000 that point to considerable abuses.

In addition, the Annual Reports of the Uganda Human Rights Commission summarise cases brought to them with respect to a wide range of violations by both Government and non-governmental organisations. Although these cases in all likelihood only represent the tip of the iceberg, they are instructive.

There have been steadily increasing numbers of cases being reported to the Commission, pointing probably to improved awareness rather than a surge in actual numbers of cases.

In their Annual Report for the year 1998, the cases were classified into 13 categories. The categories ranked from 1-4 in order of the total number of cases recorded are as follows:

Deprivation of Rights to Property	216
Deprivation of Rights to Personal Liberty	208
Torture, cruel and inhuman treatment/punishment	109
Right to Fair and Speedy Hearing	101

Far fewer numbers of complaints were recorded in the other categories

15.3 Fair and Speedy Resolution of Cases

The Report of the Uganda Human Rights Commission for the year 2000/2001 categorises the cases slightly differently indicating that the UHRC is handling an increasing number of cases each year. It also documents the fact that in selected Police Stations out of a total of 387 suspects in the cells, 210 or 54% had been there longer than the mandatory 48 hours without being put before a judge.

The Police admit that officers sometimes arrest on suspicion and carry out their investigations while the accused is in custody or on remand. As of 31st December 2001 there were a total of 10,017 male and 407 female prisoners on remand in central government prisoners compared to the total prison population of 15,913.

15.4 Conditions in Prisons

The prisons are very congested and the Prisons Service prisoner welfare budget is small. This indicates that prisoners are not enjoying constitutional rights to humane treatment, particularly access to basic needs, like space, sleeping accommodation, sanitation, water and food. The Human Rights Commission reports also refer to the fact that prisoners are commonly subjected to hard labour on prison farms and in other places for which their remuneration is very low (Ushs.1/- per day)⁶

⁶ Uganda Human Rights Commission Annual Report 1998

In the 2000/2001 Annual Report the Human Rights Commission also documents conditions in 22 of the Central Government Prisons. None complied with minimum standards for the treatment of offenders. There was an overwhelming lack of compliance including lack of bedding, lack of uniforms, inadequate food and unsafe water, excessive work schedules and even physical abuse of prisoners. Adherence to humane standards of treatment did not appear to be related to the general structural condition of the prison. Notably, the newly rehabilitated Masaka prison featured poorly in this respect.

It is also recorded in reports issued by both the Prisons Service and by the Human Rights Commission, that there are currently only 3 functioning Remand Homes for juveniles including the Kampiringisa Approved School in the whole country, leading to juveniles being imprisoned with adults with the attendant dangers of abuse and introduction to the criminal networks that are alleged by the Uganda CID to operate in Uganda prisons.

The lack of Probation Staff also implies that those arrested, on remand or convicted do not have access to any other independent state organisation who can advise, evaluate and counsel. In some central Government prisons there may be a social worker, but as the Prisons Service admitted, one social worker to approximately 2000 prisoners does not represent meaningful possibilities for education and rehabilitation activities.

16 Conclusion Part II

The report's part II is concentrated primarily on the key links in the JLOS chain, the Police, the DPP, the Courts of Judicature and the Prisons.

16.1 Efficiency and Effectiveness

- The total **budget** for the JLOS, adjusted for inflation, has increased from 56.9 to 68.3 Billion Shs for the period, a 20% percent increase over five years.
- The development budget's proportion of the total budget has not changed over the period, ending at a low 6.6%.
- Expenditure per capita in the JLOS, adjusted for inflation, increased by 7% only for the period.
- During the same period, reported crime increased from 51,277 to 84,914, an increase of 65.6%, much higher than the increase in expenditure.
- Figures for the cost of handling cases was only available for the Courts of Judicature for 1999 and it is not obvious whether the basis for calculating the cost is correct. It is recommended that this costing be reviewed.
- One of the main constraints in the JLOS is the insufficient operational and development funds, as evidenced by the figures given above. Many of the problems in the sector could be addressed if sufficient funds were available, and spent more strategically. There is no indication that the funding problem is going to be resolved in the short or medium term. Constraints caused by the lack of sufficient funds are so numerous and systemic that the JLOS should seriously focus on efficient and effective use of available funds. It is therefore recommended that a study is undertaken to identify alternative solutions in terms of adjusting costs to achieve substantive gains in JLOS reform.
- The optimum **caseload** in Police has been established to be 12 cases per officer. In 1996, however, it was 26.5 and in 2000 it had increased to 37, exceeding the target by 208%.
- The report only provides figures for the DPP's caseload for the year 2002 based on a sample of 4 DPP stations. The figures do not contain information on the throughput and backlog. The average caseload for State Prosecutors and State Attorneys were calculated at 59 for a two months period.
- Significant and positive in relation to the Courts of Judicature was the figure for cases handled by all courts increasing by 41% from 1999 to 2000 while the number of cases that ended with a sentence increased by an even higher percentage, 91%. On the other hand, the backlog for surveyed courts (separate study), High Courts, Chief Magistrate Courts and Grade I Magistrate Courts were considerable and cause for great concern.
- There has been an increase, in the same period, of more than 70% of cases being dismissed. The very high number of dismissed cases, rather than disposed of on merit is also very problematic. It is a general sign of weakness in the investigative, prosecutory and adjudicative processes.
- Defilement cases constitute a large part of the congestion of the system and 50% of Capital Cases. If the majority of defilement cases were removed from High Court, by lowering the penalty to Chief Magistrate jurisdiction, and perpetrators were not automatically put on remand, it would mean a great relief of the JLOS system.
- It can generally be concluded that although the Courts have improved in efficiency, the JLOS system is congested and Courts cannot cope with the amount of cases. The large number of persons on remand proves that there is a very substantial backlog. There are

incidents of prisoners remaining on remand for 6 years. Apart from the human suffering in this connection, and the obvious violation of human rights in these cases, it has negative cost implications for the entire JLOS.

- No JLOS Institution has an integrated **information management** system designed to generate reports that can be used for analysing crime incidence, trends, costs and constraints. The absence of an integrated functional management information system is a weakness. It constrains Management from making informed strategic decisions.
- There should also be a unified information management system for the sector. Since High Court has the facilities and already is collecting and entering some information, it should be explored whether the High Court could host such a system. It is important that a system be uniform for the JLOS, so that the individual persons can be tracked from entry to exit of the system. There should be further discussion about what information should be captured (personal/ criminal/ geographical) and how it should be collected. The statistical information could, apart from criminological use, be used as an actual monitoring system for compliance with the policy objectives of Uganda for prisoners' and human rights.

16.2 Access to Justice

- Physical resources in the form of vehicles, office equipment and even buildings were reportedly inadequate.
- The survey also revealed that the **allocation of resources** (police vehicles) and staff is skewed towards the central region. E.g.:
- 76% of police vehicles and 67% of police staff are allocated to the Central region, though, most crime is reported in the West.
- Looking at the number of staff for the major institutions, per 1 million inhabitants, reveals that Central also has the highest numbers of State Attorneys, State Prosecutors, High Court judges, Chief Magistrates and Grade I Magistrates per 1 million inhabitants. The only exception is the Grade II Magistrates, much better represented in the West and the East than in Central. At the other end of the scale we found the North with the lowest overall representation, ranking second lowest in 4 of the 6 staff categories and lowest in the remaining 2.
- Inadequate information on staffing and its distribution, crime rates and case loads limits the sector in thinking strategically and allocating resources where they shall yield the highest return in terms of crime prevention and reduction. There is a need to develop targets for staff deployment and resource allocation based on crime rates per district. Consequently, the institutions would benefit from developing information management systems that, among others, disaggregate their allocation of resources preferably by district (see also above on Management Information Systems).
Needless to say, a full picture of the staff deployment shall only be arrived at when local administration police and prisons are included in the statistics.
- The **LC Courts** have the advantage of being accessible geographically, culturally and linguistically. They are cheaper and quicker than the formal legal system. Most of those questioned said they felt more comfortable going to the LC with their problems than to the Police and Courts.
- Fragmentary information underlines the fact that access to and quality of justice are well below optimum. In particular **the poor do not have access** to legal aid or good legal representation in the Courts.

16.3 Quality of Justice

- Responses from **Household Informants** that had had dealings with the JLOS institutions were extracted and analyzed in this Part II. It was revealed that only approximately half of all crimes were reported to the Police and therefore reflected in the crime statistics. This is one of the key findings of the survey.
- Otherwise, the percentages having the view that the JLOS institutions were good or bad did not differ from those who had never dealt with JLOS institutions directly (see Part III for details on End User Perceptions).
- With regard to the Police, only a minority approved of the manner in which the Police handled their case.
- Of the cases that did reach Court more than half were satisfied with the way their case had been handled.

- The **Ugandan Prisons** have a constant population of around 15.000 prisoners even though they are only approved for 8.530 prisoners. Ugandan Prisons have an authorized establishment for uniformed staff of 8.090, but has a constant staff in the period covered of approximately 2,500. The prisoner to warden staff ratio (including all staff in the Warden category) was calculated at 9.2 for the year 2000. If calculated based on wardens of the most common ranking, the ratio will increase.

- The **Human Rights** Commission and NGOs have also documented a range of breaches of human rights by Police and Prisons, of which the most serious is unlawful deprivation of liberty. The cases investigated also include cruel and inhumane treatment in prisons.

PART III

END USER PERCEPTIONS

EFFICIENCY AND EFFECTIVENESS ACCESS TO JUSTICE QUALITY OF JUSTICE

Introduction Part III

Part III of this report is based on surveys and interviews with a broad spectrum of ordinary citizens and key informants extracting their perceptions of the JLOS' performance, comparing the information obtained from the different groups, and assessing whether different knowledge, background and education influence the perceptions of the JLOS.

The major issues that were the subject of investigations include:

Efficiency and Effectiveness of JLOS Institutions

- ◆ As determined by speed of response and disposal of cases
- ◆ As determined by general work performance
- ◆ As determined by success in public relations
- ◆ As determined by transparency and accountability

Access to Justice

- ◆ As demonstrated by physical proximity
- ◆ As assessed in terms of general accessibility
- ◆ As demonstrated by approachability of JLOS personnel

Quality of Justice

- ◆ As demonstrated by treatment of suspects/offenders and persons reporting crimes
- ◆ As demonstrated by treatment of those detained or imprisoned
- ◆ As measured by the occurrence of discriminatory practices
- ◆ As measured by corruption of justice based on bribery

Part III also covers public opinion about proposed changes in the Penal Code Act in sentencing related to capital crimes, the introduction of community service for petty misdemeanours and decriminalisation of some morality, other social and minor offences.

17 Background and Methodology

Part III is concerned with public perceptions of efficiency and effectiveness, access to, and quality of, Justice. Opinions were sought through Household Interviews and from Key informants.

17.1 Survey Methodology

The survey methodology includes both quantitative and qualitative methods.

Quantitative Methods

Questionnaires were used to generate statistical information on opinions that can be compared by category of informant and location. The questionnaires were administered to household heads and/or their spouses. See Annex X for detailed questionnaires

Qualitative Methods

Key informant interviews and focus group discussions were held to gain more insight and understanding of ideas and attitudes through more in depth questioning and face-to-face discussions with 'expert' informants.

The Household Interviews were illuminated by a number of participatory procedures including Transect Walks⁷, Mapping and informal discussions with community leaders. A Transect Walk prefaced administration of the questionnaires by the survey team together with village leaders, in the course of which salient details about the community were recorded including:

1. Social activities, women's groups, farm groups, community halls, young people's organizations.
2. Resources, water, forests, swamps, gravel pits.
3. Living conditions, type of housing, existence latrines, bath houses
4. Access, roads, power, telecommunications
5. Constraints, particular plant diseases, pests, drought or other problems, including security issues (rebels/refugees/raiders)
6. Population, numbers of households, numbers of persons, numbers of registered voters, and existence of important local persons.

The Key Informant interviews that were administered to a range of personnel in JLOS institutions and concerned NGOs or other organisations were particularly useful as they utilised, as the focus, the core questions contained in the household questionnaire for the interviews. In this way, it was, therefore, also possible to analyse the responses statistically and compare them directly with those from the household survey.

⁷ A Transect Walk involved a traverse on foot by researchers escorted by local leaders of the LCI, recording details of the population, natural resources, social institutions, economic activities, advantages and constraints.

17.2 Sampling Procedures

The eight survey Districts, two in each of the four regions, were selected on the basis of the following criteria, as being the “least” and the “most” endowed:

- Poverty level
- Population Density
- Infrastructure – roads, stock of buildings, communications
- Administrative Stability
- Political Security

The selected Districts were:

Central Region:	Kampala Kiboga
Western Region	Bushenyi Bundibugyo
Eastern Region	Tororo Katakwi
Northern Region	Lira Pader

Two LCIs were selected as survey sites in consultation with local leaders within every County using similar resource criteria. One LCI was purposively selected within the District headquarters town boundaries. Within each LCI a cluster sampling method was used to identify households. Only the household heads or their spouses were interviewed.

- ◆ The total number of survey sites for all eight districts was 58.
- ◆ Total completed interviews were 1017 against a planned target of 1044.(gender breakdown)
- ◆ Two Focus Group Discussions were facilitated in each District, one focusing on human rights issues, the other on the regulatory framework with respect to laws and sentencing.

Each Focus Group had 10 participants drawn from knowledgeable individuals from each District. They included women leaders, farmers, businesspeople, teachers, and civil servants from outside of the JLOS Sector. Gender breakdown of each group

17.3 Evaluation of Methodology

The major strength of the chosen methodology is the depth of insight gained through the participatory/qualitative techniques, and the extent of information gathered about the sentinel sites that can be used in future monitoring of changes. This, coupled with the sampling procedure, means that the socio-economic context of samples at these sites is very well defined.

The sentinel sites are representative of the better and least well-endowed communities in Districts that were selected by the criteria described above, thus the views expressed may be expected to reflect a wide and representative spectrum of informants.

17.4 Household Survey Implementation

Household Interviews

The four Regions differ considerably in population numbers and distribution, as well as in relative urbanization, natural resources and economic development. Within each Region, Districts have disparities with respect to these factors. Population density and relative urbanisation were two of the selection criteria.

The numbers and population of the administrative counties in the surveyed Districts also varies considerably as is shown in the Table below. The penultimate column shows the number of sentinel sites as a proportion of the total population. The last column shows the number of interviews proportional to population:

Table 1 The Surveyed Districts

Region	District	Number of Counties	Population Yr2000/ District	No. of Sentinel Sites/ County	Population per Sentinel Site	No. of Interviews	No. HH interviews Proportional To Population
Central	Kampala	5	902,900	10	1:90290	180	1:5199*
	Kiboga	1	178,600	2	1:89300	34*	
Western	Bushenyi	5	783,800	10	1:78380	178	1:3511
	Bundibugyo	3	174,800	6	1:29133	95	
Eastern	Tororo	4	530,200	8	1:66275	144	1:3106
	Katakwi	3	249,300	6	1:41550	107	
Northern	Lira	6	651,100	12	1:54258	215	1:1571
	Pader	2	113,092	4	1:28273	72	

The reason for the small number of interviews is due to the fact that Kiboga has only one county.

Actual completed interviews were 1017. The differences in the size of the regional samples is due to differences in total population by region according to the projections of the Uganda Bureau of Statistics and the Population Secretariat, and in keeping with the selection criteria and sampling methods agreed by the Ministry of Justice that were elaborated in the Inception Report.

Focus Group Discussions

Two Focus Group Discussions (FGD's) were held, as planned, in each of the 8 survey Districts. One addressed perceptions of human rights; the other sought to establish public awareness about and preferences for reforms in the law and in sentencing.

More specifically, the purpose of the Focus Group on Human Rights was to explore in depth perceptions of whether, and to what extent, JLOS Institutions adhere to and abide by the principles of human rights that are stipulated by the Uganda Constitution. The FGD's also established a consensus with respect to the extent to which each of these Institutions' staff conformed to these principles and rules of behaviour.

The objective of the second set of Focus Group discussions was to establish attitudes towards the decriminalisation of some laws, changes in sentencing for others, and to obtain the agreement of participants to a specific set of recommendations.

After considering the appropriateness of present laws to deal with current social and economic problems, the participants were facilitated to discuss the types of sentence currently being imposed and whether these also are reasonable. Particular consideration was given to the

possibility of abolishing the death penalty as maximum sentence for some categories of crime. The Groups also reviewed the concept of community service and its appropriateness for Uganda. Moreover the participants also reviewed the issue of decriminalising some morality and minor crimes.

Ideally a Focus Group should have 10 members but particular situations are determinative. None of the Focus Group discussions, however, had less than 8 and none more than 15 members. The general impression of the Focus Group discussions was that participants were well informed but not necessarily highly educated formally. Among them were teachers, businesspersons, as well as farmers and members of local community groups.

Overview of Districts

Key characteristics of the districts are summarized as follows:.

1. Kampala, the capital city is almost totally urban in character. It is divided into 5 divisions (commensurate with sub-counties): Nakawa, Kwempe, Rubaga, Makindye and Central. The Central Division comprises the central business district and generally more upper class affluent satellite areas that include Kololo and Kamwokya, with proportionally few resident households. Nakawa may be deemed to be generally but not wholly middleclass residential suburb. Kawempe comprises a very large slum area and peripheral semi-rural estates. Rubaga is historically more generally traditionally rooted, containing as it does, the headquarters of the Buganda Kingdom government, with multiple and extensive economic activities. Makindye on the other hand contains many poorer households in congested conditions lacking access to essential services.

2. Kiboga is almost completely rural, and sparsely populated. There is a low level of economic activity. Most households depend on agriculture for subsistence. Almost none have access to essential services, for example communal water sources are few and widely dispersed

3. Bundibugyo is also rural, however, farming is becoming more commercialised with reliance on a wide range of cash crops. Hot springs attract tourists. Communication facilities are lacking, and most residents lack access to essential services. It has a boundary along the border with Congo and has been subject to much insecurity over the past two years. As a result people still live in fear and many reside in camps. They were at first reluctant to freely give their views.

4. Bushenyi has some of the most highly commercialised agriculture encountered in any of the surveyed Districts, with large tea, coffee, banana plantations and ranches. Although an active attempt was made within each County to balance sentinel sites between those best and worst off, the worst were still more prosperous than those in the less well endowed Districts in the North and East of the country.

5. Tororo District is home to several different ethnic groups, including Atesot, Jophadola and Bunyole. While it is a relatively well-established District with good communications and a developed infrastructure, its resource base is poor. 70% of those interviewed in Tororo and Katakwi were farmers compared with 9% in central region and 48% in Western. Furthermore the relative profitability of agriculture is much higher in the West according to survey reports.

6. Katakwi is ethnically homogeneous. It has been, however like Bundibugyo and Pader, subject to intermittent insecurity over a long period and has most recently suffered particularly badly from the incursions of cattle raiders from neighbouring Karamoja. It has a poor resource base in common with Tororo.

7. Lira is one of the more prosperous northern Districts. It has been less affected by insecurity and has a good environment for agriculture. In recent years, however, farming has become less profitable and a large number of informants combined this with trading. Lira town is well established with good communications. The internal road network is also good and it is relatively nearer to Kampala. While 45% of the northern sample are farmers a high proportion of informants obtain their main income from trading, more from among those in Lira than in neighbouring Pader.

8. Pader District has only very recently been created and thus the administrative offices of government departments have yet to move fully to the District headquarters. The District headquarters itself lacks infrastructure and services. There is no hotel for instance or guesthouse. It has also been a battleground for Kony's Lords Resistance Army terrorist group, and as a result many have been required, for security reasons, to live in camps. Most informants are farmers although the sample included others in salaried employment as well as traders. There are no JLOS Institutions in the District. These are still located in Kitgum. Thus informants had little direct experience on which to base their opinions.

17.5 Composition of the Household Samples

Key characteristics of households surveyed interviewed are compared in Tables 2, 3 and 4 below.

Household Informants were either the household head or their spouse. The percentage of women respondents overall in each region is shown in Table 2 below. The proportion of women household heads compared to the percentage who were spouses, was as follows.

Central Region	42%
Western Region	31%
Eastern Region	35%
Northern Region	28%

Table 2 Composition of Samples by Gender

Region	Total Interviewed	Percent Interviewed HHHead	Percent Interviewed Spouse	Percent Male Informants	Percent Female Informants
Central	206	72	28	52	48
Western	273	88	12	82	18
Eastern	251	81	19	74	26
Northern	287	65	35	67	33

There were significant regional differences in the proportion of women interviewed. This, however, did not appear to have influenced the opinions of informants; the Districts with the largest and smallest percentage of female respondents having more opinions in common than those with median numbers of women interviewed. Responses to selected qualitative questions, disaggregated by gender are set out in Annex 6.

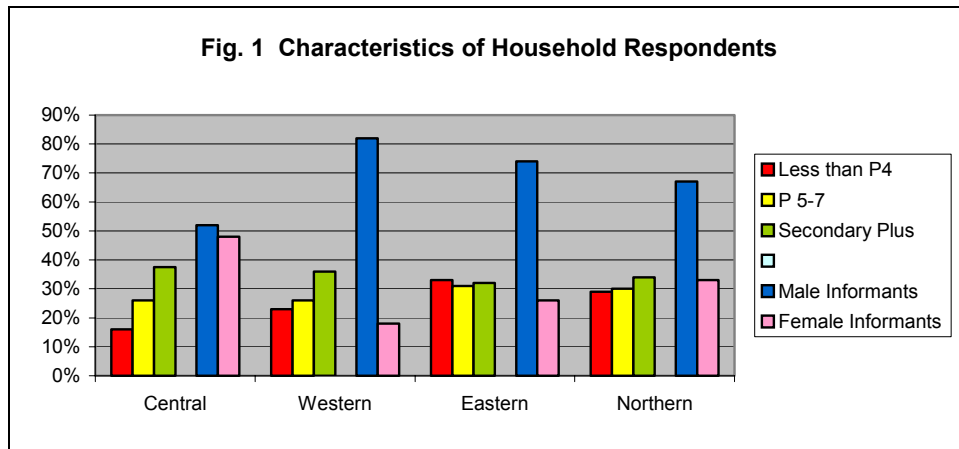
In the Centre and West the educational levels of male and female respondents are fairly equal while in the East and North a much higher number of females were functionally illiterate.

Table 3 Comparison of Samples by Educational Level

Region	Percent less than P4			Percent P 5-7			Percent Secondary and Plus		
	M	F	Total	M	F	Total	M	F	Total
Central	12	13	16	14	13	26	73	73	37.5
Western	24	19	33	27	21	31	43	60	32
Eastern	27	50	29	33	26	30	34.5	23	34
Northern	16	50	23	36	24	26	46	31	36

*The remaining percent include other Post Primary courses not equivalent to Secondary school

The above figures have been depicted in the below chart.



It is assumed, in keeping with other studies, that literacy is achieved after 4 years of primary school. The proportions that are shown to have been educated beyond primary level are noteworthy. There are no statistics readily available from other studies to use for purposes of comparison. Literacy levels in this survey show a high degree of correspondence with those in the National Household surveys.

Statistical tests, however, indicate that educational level is not a major factor in responses. On the other hand, differences of social status and relative affluence affect respondents' expectations with respect to some types of treatment. For example, those who eat well consider prison diet very inadequate, while families who have difficulty getting one meal a day think prisoners are well off.

Information was also obtained about the age of Household Informants. Informants in the Central and Northern samples were typically much younger than those elsewhere with 39% of the total and 37.5% of females in the Central Region being under the age of 35 years; while in the North 45% of the total sample and 44% of female respondents were also under 35 years. In the West 86% of the total and 86% of female respondents were aged between 35 and 55 and in the East 64% of the total and 60% of female respondents were in that age bracket.

The majority of both male and female Household Informants in three of the regions were married, either in a traditional marriage or religious union. However in the central region there was a substantial minority of single persons. 33% of males and 24% of females interviewed were single. A further 18% of males and 25% of females in the central region were cohabiting without benefit of any ceremony.

Household Informants were asked about the occupation of the Household Head. Only in the East is farming the major source of income. In the other three regions trading was cited as generating most household income.

Information on the major sources of income for households in each regional sample are set out in Table 4 below.

Table 4 Household Informants – Source of Household Income

Region	First Major source	Second Major Source	Third Major Source	Fourth Major Source
Central	Trading 26%	Govt.Job 17.5%	Crafts 13%	Professional 11% Casual Labour 11%
Western	Farming 36%	Trading 21.5%	Ranching 12%	Teacher 8% Casual Labour 8%
Eastern	66.5%	Teaching 8%	Govt.Job 7%	Trading 5%

Table 5 indicates regional differences by specific wealth indicators. Inevitably, due to utilisation of cluster sampling through purposive selection of administrative unit, the Kampala sample, which has well defined upper, lower and middle class areas that are distinct, has a much greater proportion of households owning personal vehicles than would be expected through more randomised sampling methods.

Table 5 Comparison of Regional Samples by Selected Wealth Indicators

Region	Percent Own Commercial Vehicle	Percent Own Car	Percent Own Motorcycle	Percent Own Bicycle	Percent Own Radio
Central	10	21	21	16.5	87
Western	9.5	7	16.5	60	87
Eastern	1.2	0.4	2	68	55
Northern	2.1	1.4	5	74	75

The regional samples are most differentiated on the basis of wealth. Central and Western samples have a much higher percentage of owners of motorised transport. It may thus be assumed that they are wealthier and more commercially oriented. This also goes hand in hand with the fact that a rather higher proportion had direct experience of JLOS institutions. This coincides, to a major extent, with the agreement between opinions expressed in the Centre and West as compared with those in the East and North.

17.6 Key Informant Interviews

Key informants were also interviewed. They were drawn from JLOS Institutions and organizations with a particular concern or programme dealing with justice and human rights.

The targeted institutions were as follows:

- The Uganda Police
- The Uganda Prisons Service
- The Judiciary
- The Directorate of Public Prosecution
- The Ministry of Gender, Labour and Social Development -Probation Service
- The Law Reform Commission
- The Ministry of Local Government
- The Foundation for Human Rights Initiative (FHRI)
- The Joint Christian Council
- The Human Rights Network (HURINET)
- The Uganda Law Society Legal Aid Project (LAP)
- Uganda Law Society

Note that HURINET is an umbrella organization representing some 17 member organizations, and thus their views to some extent reflect those of its members. It was also noted that views had already been solicited by Ministry of Justice and Constitutional Affairs on some of the issues under study and they had canvassed their members for their opinions in these respects.

The informants were interviewed using a questionnaire identical to the core of the household questionnaire (see above). It covered questions directed at eliciting their views on Efficiency and Effectiveness, Access to Justice and Quality of Justice. Unlike Household Informants whose opinions were solicited on the situation in their own communities, the Key Informants were expected to consider the general national situation.

In addition, instead of requiring respondents to complete the questionnaires on their own, or in a face to face situation on an individual basis, the aim was to administer the survey instrument to a small group of two or more representatives of the institutions and organizations in order to generate a discussion through which a more in depth review could be carried out.

The Key Informants were expected to have more informed views about the human rights situation in Uganda, and were also expected to provide some more qualified information about the operation and constraints experienced by the organisations.

Altogether 28 individuals in the 12 Institutions were interviewed. Their views are compared with those of the Household informants. Since they all live in Kampala inevitably their opinions reflect more on the situation in that District. The fact, however, that they generally agree with the views expressed by household informants, gives more weight to the latter.

17.7 Overview of Survey Findings

- It is the general perception in all Districts covered by this survey that while a majority rate the general performance of JLOS Institutions to be fair to good, and are satisfied that they adequately educate the public about their work, fewer have such favourable views on their operational effectiveness. Moreover a majority believe that officials accept bribes “at least sometimes”.
- The factor that most negatively impacts on effectiveness and access to justice was perceived to be relative wealth. Informants referred to the need to pay money for services, even in the case of the Probation Department, and the fact that without money people hesitated to access any of the institutions. It was claimed that because of their relative accessibility, in every sense of the word, Local Council Courts are resorted to for every type of case, even where they do not have the jurisdiction to deal with them.
- The majority of those interviewed thought themselves to be within easy reach of most JLOS institutions and that cost did not prevent access. A majority, however, found officials to be unapproachable. The Probation Service was singled out as being difficult to access due to the fact that they have very limited numbers of staff.
- The majority of Household informants in all Districts consider that there are breaches of human rights by all JLOS institutions, “at least sometimes”. The Police were rated particularly poorly in this respect.
- As with other informants, the Household Interviewees rate the Police lowest with respect to all criteria used. On the other hand, so little contact has been had by any with Probation and Directorate of Public Prosecution State Attorneys that a very large percentage did not know how to rate their performance in any respect.
- There are considerable differences on specific issues between the proportions of household informants from the different Regions who believe these breaches (which breaches?) take place frequently or more seldom.
- The views of those who participated in the Focus Group Discussion support and give further insight into the views obtained in the Household Survey
- There is broad uniformity of opinions of Key Informants with those of Household Informants.

17.8 Perspectives and Conditionalities

- ❖ In general, those in the Northern and Eastern Regions expressed more favourable views about the performance of JLOS institutions than those in the Central and Western regions. This is thought to correlate with the measurable differences in socio-economic status and educational level of informants in these Regions.
- ❖ It is suggested, by the field supervisors, that two other interrelated factors may be at work. The first is that, traditionally, Police and Prisons staff have a preponderance of personnel drawn from the North and East and thus there could be more empathy between them and the Household Informants. Secondly, people of Northern and Eastern regions have had recent, and fairly prolonged experience, with the army, in

comparison with the Western and Central regions, the result of which causes the Police to appear in a very favourable light.

- ❖ Gender and age do not appear to correlate with any of the expressed opinions and views even though women were, at first, reluctant to be interviewed, saying that their husbands understood issues of justice, law and order better than themselves.
- ❖ Whether or not the informants had personal experience of dealing with JLOS Institutions does not appear to have any bearing on opinion. There was no appreciable difference in responses of those who had direct experience of dealing with JLOS institutions compared with those who had not. Thus, a greater degree of familiarity with the operation of the Police and Prisons Service, as well as the Courts, does not appear to have influenced responses in any way.
- ❖ In view of the fact that the Key Informants were answering from a national perspective, they frequently qualified their responses. It was pointed out for instance that there were major differences in response time of Police based on location or time of day.
- ❖ In some instances it was not possible to get a consensus between the several individuals participating in the interview, thus in analysing the findings the individual responses are shown. There were also cases where Key Informants were uncertain of the appropriate answer, and in such cases both alternatives have been indicated. In these instances, the consultants have used the response the informants most fully agreed with and made comments.
- ❖ It should also be mentioned that informants with a legal background were most reluctant to give an opinion where they did not have direct knowledge of actual cases. They were generally not willing to base their views on hearsay or their personal perceptions only.
- ❖ Key informants also wanted to make it clear that the responses represent their individual opinions and not necessarily those of their organizations, unless a formal submission already had been made through another channel, e.g. as for Foundation for Human Rights Initiative (FHRI), with respect to the death penalty and the Law Reform Commission with respect to defilement.
- ❖ For Household Informants and, in some instances, Key Informants, there is a great deal of confusion as to what constitutes a "*criminal*" as compared to a "*civil*" case and therefore who has the legitimate authority to deal with it. This confusion is even perpetuated in a poster that depicts the manner in which local councils should deal with cases of teenage pregnancy (and thus inevitably defilement) through counselling, fines and so on. While Schedule I of the Judicial Powers Statute, 1988 gives local councils the jurisdiction to deal with the impregnation of a minor, it ignores the obvious point that this also necessitates a case of defilement, which is a capital matter and thus out of the Local Council Courts jurisdiction. Other confusion may derive from the fact that most criminal cases also have a civil element in the form of compensation.

18 Efficiency and Effectiveness

18.1 Introduction

Perceptions of efficiency and effectiveness were measured through questions with respect to the functionality of JLOS Institutions. In particular informants were asked to assess how well

- 📖 JLOS Institutions do their work,
- 📖 JLOS Institutions relate to the public and keep people informed, and educated about their roles and responsibilities,
- 📖 Their transparency and accountability and
- 📖 Their speed in response and case management.

Questions were of both a general and more specific nature pertaining to the efficiency and effectiveness of JLOS Institutions in the management of their operations.

18.2 General Work Performance

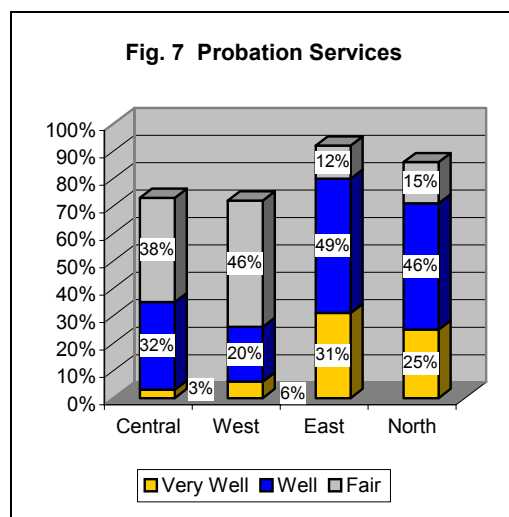
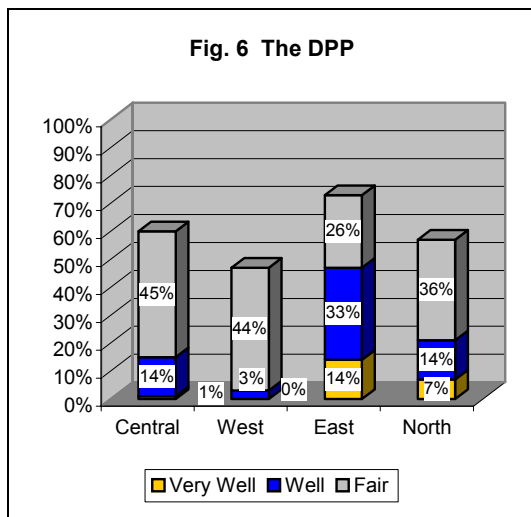
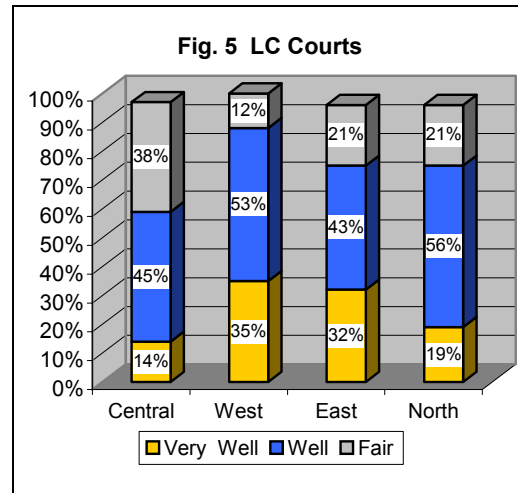
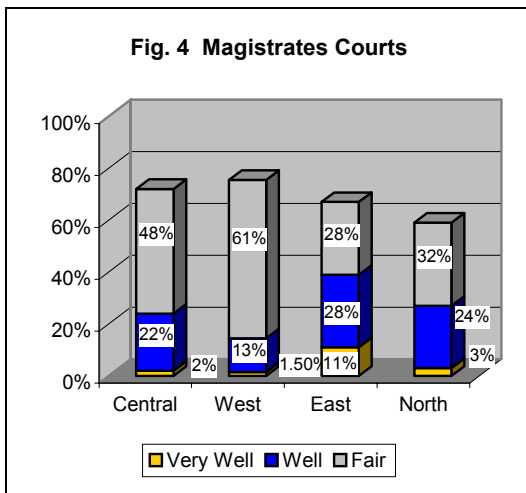
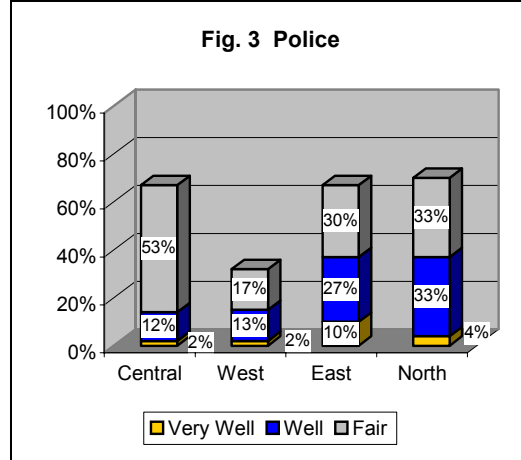
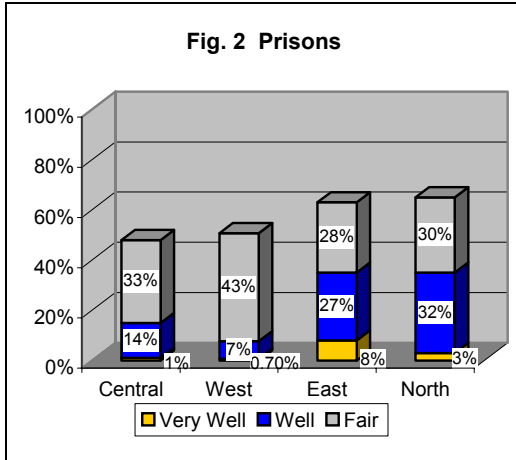
Informants were asked how well they thought JLOS institutions were performing overall.

In general, all informants considered that the Prisons Service was performing better by most criteria than the Police; while all were of the view that the Probation Service was more or less unknown. In addition, all Key Informants agreed that every part of JLOS was operating with insufficient personnel, funding and logistics. In the case of Prisons particularly, and to a lesser extent the Police, these institutions have not been very attractive to donors. It was suggested that Donors may be of the opinion that in case of public criticism of these institutions, Donors may find themselves implicated in that criticism.

The Probation Service located in an under-funded Ministry of Gender, Labour and Social Services, is not considered to be adequately facilitated. In addition while most JLOS Institutions are centralized (with exceptions to be further discussed), the Probation Service is decentralized and is currently subject to less policy direction and support from the centre.

It is instructive that the pilot Community Service Program has been placed in the Ministry of Internal Affairs rather than in the Ministry of Gender, Labour and Social Services, and that Probation staff specifically recruited for the project are thus employed by or seconded to Ministry of Internal Affairs. The dislocation of probation officers serves to further disempower the Ministry of Gender, Labour and Social Services, and to further dilute its capacity to effectively engage in more broadly defined functions that are appropriate to Probation Service responsibilities.

Household Informants' responses as to how well JLOS Institutions were working overall are set out in figures 2 - 7 below. The figures present Household Informants' ranking of JLOS institutions' performance from fair to very well. For more details please refer to Tables 15 and 16 in Appendix 6. The bar charts below may also be compared with the opinions of Key Informants in Table 6.



With the exception of the Western region, ~20% of informants claimed that they did not know enough about the work of the Courts to express any view. Similar percentages from the Central and Eastern regions also failed to give any opinion about the Uganda Prisons Service.

A very high proportion of Household Informants (between 60% and 80%) said they did not know enough about the DPP/State Attorneys and Probation Department to venture an opinion. The responses, therefore, are not statistically significant. The lack of knowledge underscores the need to strengthen both institutions.

Household Informants were apparently “well” or “very well” satisfied with the performance of Local Council Courts. Almost no informant expressed a negative opinion as is shown in figure 5 above. The views of those interviewed for the Household Survey on the functionality of LC Courts are firmly based on direct experience as the LCs are both close and well known to the informants. Differences of opinion are therefore most likely to reflect differences in the actual performance of LCs, some being efficient and effective and others not.

As mentioned elsewhere in this report, Ministry of Local Government is at present contemplating a survey of the performance of the Local Council Courts. It is recommended that this effort is supported since the LC Courts are not only easing the burden of the JLOS, but are apparently also working to the general satisfaction of their client base. It could therefore be analysed how these courts could further ease that burden.

On the other hand, Key informants were less satisfied with the Local Council Courts as is shown in Table 6. Key Informants expressed concern that the LC Courts, while being accessible and convenient for people to use, were often operating beyond their jurisdiction and dealing with cases that should exclusively be handled by Magistrates Courts. According to the Local Government Act, LC Courts are confined to civil cases. It was, however, alleged that LC’s often handle cases of defilement, assault and theft. As noted previously, the dividing line between what constitutes a civil or criminal case was not always clear to informants.

As has been indicated, by most measures informants in the North and East expressed more favourable views on the efficiency and effectiveness of Police, Prisons and Courts than those from the Centre and West.

While this could reflect real differences in performance of the institutions in the different Regions, it is suggested that this probably correlates more to lower expectations than those in the West and Centre since, in general, the further one is from Kampala the poorer the resources available to JLOS Institutions and thus a reduced ability to render services.

The general performance of all institutions was judged by Key Informants to be good or fair as is shown in Table 5 below, with the exception of the Probation Service that was adjudged to be poor or very poor by 61% with 7% saying they did not know enough about their work to volunteer an opinion. Courts and State Attorneys fare best with 50% considering that DPP/State Attorneys perform well, followed by Prisons whom 36% of informants thought performed well.

Key Informants, however, expressed concern that Local Administration Police and Local Government Prisons were not a focus of the study. It was pointed out that these institutions being outside the mainstream of JLOS were most vulnerable to all types of malpractice and suggested that they were even less well funded than national institutions. This issue is highlighted in Part II.

Table 6 Perceptions of Key Informants about General Standard of Work of JLOS Institutions

Name of Institution	Very Well	Well	Fair	Poor	Very Poor	Don't Know/Other
Police	0	7	15	6	0	0
Prisons	0	10	14	4	0	0
Local Council Courts	0	5	17	6	0	0
Magistrates Courts	0	12	9	6	0	0
DPP/State Attorney	0	14	10	4	0	0
Probation Service	0	0	9	7	10	2

18.3 Performance in Public Relations

The second measure of efficiency and effectiveness is how good JLOS Institutions are at informing and educating the public about their rights, the institutions' respective responsibilities and operational modalities. Table 7 compares responses of Household Informants with respect to these responsibilities.

Table 7 Household Perceptions by Region of Performance of JLOS Institutions in Informing and Educating the Public

Region [%]	Police					Prisons					Courts				
	V Well	Well	Fair	Poor	Very Poor	V Well	Well	Fair	Poor	Very Poor	V Well	Well	Fair	Poor	Very Poor
Central	0.5	12	32	35	8	1	2	6	55	13	5	6	16	47	8
West	0.7	11	13	37	33	2	11	48	26	14	3	17	41	23	16
East	10	10	15	25.5	35	0.8	7	12	21	38	2	7	13.5	23	32
North	8	23	25	28	9	3	9	18	40	15	3.5	9	14	35	24

*The remaining percent is made up of those who stated they had no opinion or did not know

Key Informants were also asked about the extent to which JLOS Institutions are keeping the public informed about their work and educating them as to how to access their services. The majority assessed the performance of the Prisons, Magistrates Courts and DPP as Poor to Very Poor. The Probation Service scored 53% who considered their performance Poor or Very Poor and a further 28% stating that they knew so little about what they were doing that they did not want to comment.

In Table 8, only the Police and Local Councils are seen by key informants to be better at keeping the public informed about their work, with 64% considering that they are doing "Well" or "Fair".

Table 8 Perceptions of Key Informants about JLOS Performance in Public Relations

Name of Institution	Very Well	Well	Fair	Poor	Very Poor	Don't Know/Other
Police	0	7	11	9	1	0
Prisons	1	0	7	13	7	0
Local Council Courts	0	6	12	5	5	0
Magistrates Courts	0	1	8	14	5	0
DPP/State Attorney	0	1	8	12	7	0
Probation Service	0	3	2	8	7	8

There is close correlation between the opinions expressed by Household Informants with the views of Key Informants about the extent to which Police, Prisons and Courts keep the public informed about their work and how the public may access their services.

18.4 Operational Efficiency and Effectiveness of Police

Questions concerning efficiency and effectiveness were designed to explore the views of informants on the speed with which the Police and the Courts operate, on the assumption that **“Justice delayed is Justice denied”**. In view of the lack of any definitive documentation of the reaction time of Police to crime reports, or of how speedily they effect arrests or complete investigations, the views of Households and Key Informants are of particular importance, as are the reasons the latter adduce for their scoring.

Similarly, in the absence of adequate case management records, it is of equal importance to use as one measure of the efficiency of the Courts, the views of those who operate within the Court system, or who otherwise have dealings with those who go through the Court system.

Operational effectiveness is measured using the indicator of speed of responding to complaints or of successfully investigating or prosecuting cases. It is to be expected that there would be a disparity between regions with respect to the time Police take to come to the scene of a crime, however, only those in the West rated the Police “slow” or “very slow” to respond to reports of serious crimes. 50.5% of respondents in the Central Region, 52.2% in the East and 61.3% in the North 61.3% thought that the Police were quick to respond. In contrast, 29.7% in the West ranked the Police as “quick”.

It was the general view that cases of theft and assault are dealt with less expeditiously.

Table 9 Household Informants perceptions of speed of Police action in response to crime reports and in making arrests. Percent Rating “Very Fast/Fast”

Region	Murder/Aggravated Robbery		Theft		Assault	
	Crime Reports	Arrests	Crime Reports	Arrests	Crime Reports	Arrests
Central	50.5	52.9	34	42.7	20.4	27.2
Western	29.7	36.3	19.4	16.1	17.9	7.7
Eastern	52.2	54.2	39.4	41.4	43.4	43.4
Northern	61.3	61	53.3	57.1	40.1	45.6

Household perception of the rapidity with which Police arrest suspects is very similar as may also be seen from Table 9, with serious crimes being dealt with more quickly than less serious ones.

The reason for the greater dissatisfaction with Police efficiency in the West could be linked to the ADF rebel incursions, the Kanungu cult murders and the apparent lack of action on the part of the Police to affect any arrests in these cases.

The views of Key Informants with respect to Police response are broadly within the same parameters, however, their responses are qualified. These qualifications may be summarised as follows:

- Location, rural/urban
- Distance from Police unit
- Transport Availability
- Funds/Fuel Availability for vehicles
- Staff Availability, and commitment on other cases
- Lack of Maps to identify location of crime scene
- Number and equipment(arms) of offenders

The speed with which the Police reach a crime scene is thought to depend on whether the crime took place in a rural or in urban area. It is worth pointing out that the Police themselves aim to reach the scene of a reported crime in 5 minutes in urban areas and within 30 minutes in rural areas. This is target hardly ever achieved. (Key or Household) Informants, however, had experience in Kampala of the Police arriving within 15 minutes and more generally within the hour.

A probable impediment to speed of response in Kampala is the absence not only of up-to-date town maps but even an adequate system of street and house identification.

In rural areas, it was explained that not only are distances greater, but that there are also fewer resources available to Police. The Police are constrained not only by lack of vehicles, which affects them everywhere, but also by lack of staff. Also, whereas in Kampala and urban centres they have some motorized transport, in rural areas a Police Post may not even have a bicycle. Bicycles, according to Police informants, were once issued, but due to lack of adequate funding for maintenance most are no longer operational.

Police speed may also be determined by whether the crime is reported in the day or at night. Police, the Consultant was told, are apparently very reluctant to come out at night, especially if robbers are armed and in big numbers. While during the daytime they may reach the scene of the crime in less than one hour, at night it takes two to three hours or longer.

Another factor in response time, it was suggested, is the competing demands of different cases at the same time given the limited personnel available. This is particularly acute in the smaller rural stations but is a factor even in Kampala. It may not even be possible to prioritise on the basis of seriousness of the crime if all available personnel are already dealing with another, or other, case(s).

As may be seen from Table 9 the speed of response is also seen to depend on the nature of the crime. It was suggested that the Police respond much more rapidly in case of serious crime as may be seen from the same table. In case of theft and still more so, assault, it was alleged that they do not always visit the scene of the crime. In the case of assault FGD participants and Key Informants told the survey team that most often the victim goes to report the case, brings his/her witnesses and thus there was no need for the Police to go to where the assault had taken place. It was, however, pointed out that this could later result in poor investigation and presentation of such cases in Court.

Key Informants said that cases of being idle and disorderly are not usually reported at all. Instead, the Police themselves initiate an exercise of rounding up suspects, sometimes at the request of urban authorities. It was generally agreed by these informants that this is a crime that is essentially urban in nature and that it did not occur in the rural areas that are more typical of Uganda, thus the question was not applicable there. Since the Police themselves initiate action to arrest those charged with being idle and disorderly they are categorized as being "**very fast**" by informants. Petty crimes in rural areas include other offences in the penal code that carry a maximum sentence of less than 2 years, such as simple assault, offences against the Liquor Act, adultery and elopement.

Table 10 Key Informants Perception of Speed of Police Response to Crime Reports

Nature of Crime	Very Fast	Fast	Slow	Very Slow	Don't Come	Don't Know	Not Applicable
Murder/Robbery	1	9	13	4	0	1	0
Theft	0	5	12	10	0	1	0
Assault	0	8	5	13	1	1	0
Idle & Disorderly	7	4	6	3	3	1	4

Informants' comments were very revealing with respect to speed of arrest that are analysed in Table 10 and 11. In general, it is believed by both categories of Informants that Police arrest suspects before they have investigated a case adequately or have sufficient "probable cause"

As one informant said: **they are quickest when the perpetrator of a crime is identified to them**", or where the offender's identity is immediately apparent. Thus the Police depend very heavily on the general public to provide information and this information may of course be biased or the result of factional conflicts.

Table 11 Perceptions of Key Informants of Speed of Police in Effecting Arrests

Nature of Crime	Very Fast	Fast	Slow	Very Slow	Don't Come	Don't Know	Not Applicable
Murder/Robbery	5	11	5	6	0	1	0
Theft	5	14	7	1	0	1	0
Assault	7	14	6	0	0	1	0
Idle & Disorderly	17	1	6	3	0	1	0

It was also suggested that the Police round up any and every suspect, then release them by a process of elimination or as a result of being paid bribes. This issue is further dealt with later in the report. The outcome is that suspects are often charged and remanded before a case has been adequately made out and this, as is further explained below, impedes the rapid resolution of cases by the Courts.

18.5 Operational Effectiveness of Courts

Table 12 provides a breakdown of responses of Household Informants with respect to the speed with the Courts handle selected cases. These may be compared with those of Key Informants in Table 13.

Table 12 Perceptions of Household Informants of Speed of Courts in Resolving Cases

Region	Murder/Aggravated Robbery			Theft			Assault		
	Fast	Slow	Very Slow	Fast	Slow	Very Slow	Fast	Slow	Very Slow
[%]									
Central	31	29	22	29	39	14	19	38	19
Western	20	25	54	22	44	33	27	34	30
Eastern	25.5	30	39	44	35	16	44	31	16
Northern	27.5	31	31	45	29	16	50.5	21	16

In general, Courts are thought to be faster, by Household Informants, when dealing with theft and assault cases than cases to be tried in the High Court. Nevertheless, the proportions that think the Courts are "fast" or "very fast" are not much different in the Centre and West although, as with other measures of efficiency and effectiveness of JLOS Institutions, informants in the East and North are more positive in their views.

Table 13 Perception of Key Informants on Speed of the Courts in Resolving Cases

Nature of Crime	Very Fast	Fast	Slow	Very Slow	Don't Come	Don't Know	Not Applicable
Murder/Robbery	0	2	8	18	0	0	0
Theft	0	15	6	6	0	1	0
Assault	1	15	5	6	0	1	0
Idle & Disorderly	18	3	4	0	0	3	0

A cause of delay is that the High Court does not have Judges posted in all Districts. The Consultant examined a number of randomly selected cases in the High Court, and it was established that it took a minimum of two years from arrest to first Court appearance. This was confirmed as the general experience by the High Court staff.

Most Household Informants believe that the Courts handle less serious cases reasonably fast. There is no specific time dimension against which relative speed may be measured by the Judiciary, although the DPP has established time guidelines for prosecution. There was also less awareness in Kampala as to how long the Magistrates Courts were taking to try lesser cases of theft, assault and being idle and disorderly. In addition, while most informants with little direct experience of prisons claim that the Courts handle idle and disorderly cases summarily, NGO informants claimed that too many suspects in such cases were being held for long periods on remand.

As with capital cases however, it was reported by Key Informants that the Courts have to rely too heavily on the Police for the preparation and prosecution of cases due to the shortage of State Attorneys. The lack of capacity of Police to identify witnesses and produce evidence is alleged to contribute considerably to the slow pace of legal process.

Additional factors delay trials. Witnesses may not turn up as scheduled, particularly since they are uncertain if their costs will be reimbursed. Prisoners may not be presented due to lack of transport, or the cost of transportation is insurmountable. Heavy caseloads also serve to delay the completion of hearing evidence.

The same constraints affect Magistrates Courts as the High Court. The shortage of transport for prisoners was said to be so acute that Prison Officers used their personal vehicles in some instances to ferry prisoners to Court, while Wardens sit on the top of buses due to lack of secure space inside. At the level of Magistrate Court one prison may have to, on the same day, produce prisoners in more than one Court, further straining inadequate resources of transport and personnel.

18.6 Transparency and Accountability

Efficiency and effectiveness are also affected by the extent of embezzlement of funds and misuse of official resources.

There is a sharp disparity between the views expressed in the Household Interviews and by the Key Informants with respect to embezzlement. Key Informants thought embezzlement occurs seldom or rarely, with the exception of LC Courts. Household Informants were much more negative, with 40% or more believing that personnel of Police, Prisons and 25% or more of the Judiciary, are guilty of embezzling public funds "sometimes" or "often".

With respect to the LC Courts, Key Informants perceived them to lack accountability and transparency in their management of public funds and to be responsible of embezzling tax revenues at lower levels. Household Informants, on the other hand, in both the Central and Western Regions did not believe LC Courts to be guilty of embezzlement in contrast with the North and East where a significant minority, 34.5% and 41% thought that they embezzled public funds at least "sometimes".

Perceptions on embezzlement by JLOS institutions are displayed in Tables 14 and 15.

Table 14 Household Informants Perception Extent of Embezzlement

Region [%]	Police			Prisons			Courts		
	Often	Some times	Seldom Never	Often	Some times	Seldom Never	Often	Some times	Seldom Never
Central	44	22	0.5	23	21	5	19	16.5	9
West	38	11	12	22	17	11	13	13	14
East	28	13	9	20	14	10	15.5	12	10
North	45	11	7	41	10.5	7	31.7	13	6

*Portion of respondents answering "Don't Know" is not included above.

A very high proportion of Household Informants claimed they did not know whether embezzlement occurs or not. More than 78% in all regions did not have knowledge of the DPP and more than 70% did not know about the Probation Office. Positive answers for these institutions were therefore not analysed. Less than 50% knew about embezzlement involving Court staff, while more than one third did not know about the Police and a slightly higher proportion had no idea if there was embezzlement by prison staff.

A large minority of Key Informants also stated that they did not know whether there was any embezzlement in case of the Probation Service.

Table 15 Key Informants' Perception of Extent of Embezzlement

Name of Institution	Very Often	Often	Some-times	Seldom	Very Seldom	Never	Don't Know
Police	1	2	5	14	0	6	0
Prisons	1	2	6	10	0	10	0
Local Council Courts	2	1	14	7	0	4	0
Magistrates Courts	1	2	5	11	7	2	0
DPP/State Attorney	1	2	5	4	8	4	4
Probation Service	0	0	2	9	1	6	10

Perceptions about the misuse of office equipment were much more diverse in the Key Informant sample. More homogeneous views were expressed by Household Informants, as can be seen from Tables 16 and 17 below:

Table 16 Household Informants' Perceptions of Misuse of Office Equipment

Region [%]	Police			Prisons			Courts		
	Often	Some times	Seldom Never	Often	Some times	Seldom Never	Often	Some times	Seldom Never
Central	33.5	28	4	16.5	23	5	4	12	55
West	20.5	21	22	9.5	19	27	5.5	5	69
East	17	14	21	10	12	23.5	8	11	60
North	24	8	20	22	6	22	12.5	9	42.5

It is significant that Key Informant opinions about the LC Courts with respect to misuse of equipment are in sharp contrast with views of the same informants about their lack of probity in handling public funds. This is partly due to the perception that these Courts have little equipment, especially vehicles that typically are the subject of misuse.

Table 17 Key Informants' Perception of Extent of Misuse of Office Equipment

Name of Institution	Very Often	Often	Some-times	Seldom	Very Seldom	Never	Don't Know
Police	7	5	6	0	0	0	4
Prisons	3	4	8	5	0	8	0
Local Council Courts	1	4	5	5	0	0	13
Magistrates Courts	1	8	5	6	0	2	6
DPP/State Attorney	1	4	7	6	0	4	6
Probation Service	1	2	0	3	0	4	18

Key Informants pointed out that neither did Probation Officers have funds to embezzle, nor equipment to misuse. The proportion of Household Informants expressing ignorance was too high for the remaining views to represent a meaningful measure of public opinion.

Also of similar significance, and based on the same perceptions, are the divergent views of Northern Household informants with respect to the Judiciary in regard to embezzlement and misuse of equipment. While Court officials are perceived to “often” embezzle funds, they are thought much more seldom to misuse equipment.

Bribery is another form of corruption that can undermine the effectiveness of JLOS Institutions and pervert the course of justice. Both Household and Key Informants were asked if they thought that staff of the several JLOS Institutions asked for bribes. Their responses are shown in Tables 18 and 19.

Very few of those interviewed believed that staff of JLOS Institutions “never” demanded bribes, and the Police are seen to perform least well using this criterion. It is disturbing that such small minorities thought that personnel in the Magistrates Courts “never” ask for bribes. It is worth pointing out also that some types of illegal payments may not even be categorised as bribes, but considered to be ‘facilitation’ or ‘commission’ for instance.

Some key informants were reluctant to admit how frequently bribes are demanded in their own institution and preferred, as in the case of the Police, to view demands for suspects or complainants to pay money towards opening up a file or for “transport” as a “cost” of accessing their services. Household informants’ perceptions are similar. They think such requests are “normal” and due to the financial constraints under which the Police and other JLOS Institutions are operating, which in a sense might be true.

Table 18 Perceptions of Household Informants of Extent of Bribery in JLOS Institutions

Region [%]	Police			Prisons			Courts		
	often	Some times	Never	often	Some times	Never	often	Some times	Never
Centre	76	23	0.5	35	39	2	27	40	5
West	84	11	1.5	51	38	0.7	19	53.5	9.5
East	75	14	3	33	28	11	41	27	6
North	80	11	2	58	17	5	48	21	5

Table 19 Perceptions of Key Informants of the Extent of Bribery in JLOS Institutions

Name of Institution	Very Often	Often	Some-times	Seldom	Very Seldom	Never	Don't Know
Police	6	13	9	0	0	0	0
Prisons	0	3	15	4	0	6	0
Local Council Courts	0	13	12	3	0	0	0
Magistrates Courts	0	10	18	0	0	0	0
DPP/State Attorney	4	6	16	0	0	2	0
Probation Service	2	0	8	2	2	8	6

As for other questions, the high proportion of those who have no knowledge of DPP and Probation Staff seriously affects the validity of the positive responses, nevertheless less than 2 per cent of all household informants thought that the DPP “never” take bribes and no more than 12% that Probation Staff “never” take bribes.

It must be pointed out that whereas the general public, including litigants have little direct dealing with the State Attorneys, the Probation staff are an essential element of the judicial system, not only with respect to young offenders but also adults, and are central to the implementation of Community Service program.

19 Access to Justice

19.1 Overview

The questions that probe opinions on access to justice are in three sections. The first, deals with physical availability of services, the second, with the manner in which they operate, and the third, on the extent to which they fulfil expectations with respect to human rights.

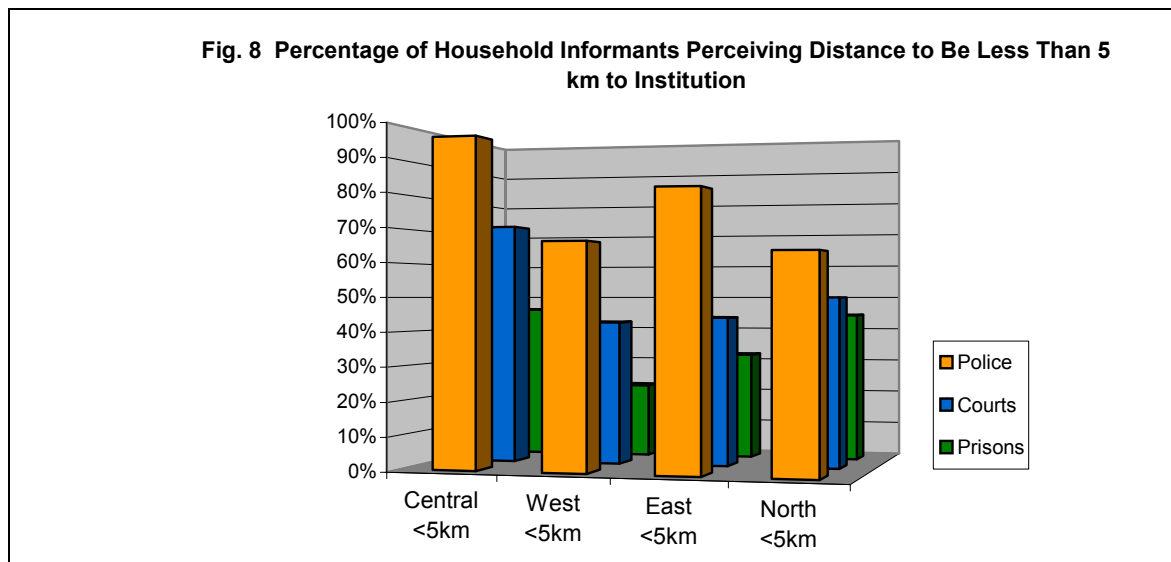
Regarding the degree to which the various JLOS Institutions are accessible to the public, whether they are sufficient in number, well distributed by location and inexpensive to use. 78% of Key Informants were “dissatisfied” or “very dissatisfied” with the number and distribution of the Police countrywide. It was also pointed out that Police were very poorly resourced and facilitated.

Police working conditions were reported to be abysmal. It was explained that Police outposts are often established in response to requests from the community concerned or District authorities as a result of a “crime wave” in the area. Philanthropic individuals offer the Police premises which are, therefore, not “custom” built and are most often very unsuitable, congested and lacking in basic services and facilities.

19.2 Proximity of Services

Household Informants were asked how far they thought they were from the nearest JLOS Institutions, and what means they used to transport themselves there. Key Informants were asked in more general terms whether they believed JLOS institutions were adequate in number and sufficiently distributed.

Figure 8 gives information on perceived distance to nearest Police post and other JLOS Institutions. For more details please refer to Table 17 in appendix 6. Location details from JLOS Institutions do not contain sufficient locational detail to allow mapping of precise location of units. Thus mapping was not feasible. The views expressed are thus the subjective assessment of informants of distance for them to the nearest facility.



The majority of Key Informants were satisfied that there were sufficient prisons, and that present problems of overcrowding should be managed by reducing prison populations through more liberal bailing policies and community service. 42%, however, were not satisfied with the present number of Prisons because of rapid population growth matched by increasing numbers of offenders who cannot be dealt with other than by incarceration. It was suggested that more Prisons needed to be built. It was also stressed that Prison conditions needed to be improved as the present stock is in a very dilapidated condition.

Whereas Police posts were claimed by the majority to be within 5 kilometres and accessed most usually by bicycle, prisons are situated further away from most informants and can only be reached by motor vehicle. Household Informants perceived Courts to be generally more reachable, both in terms of distance, and mode of transport. More than half of the key informants, however, were not satisfied with the number and distribution of Courts.

In the case of the DPP most Key Informants (80%) considered that there were insufficient State Attorneys while 92% stated that they were very dissatisfied with the number and distribution of Probation staff. The lack of sufficient personnel for the DPP and Probation service is most acute, the Probation Service being characterized by comments such as **“are they there?”** Household Informants confirmed that DPP and Probation Services were neither near nor readily accessible.

Table 20 Household Perception Accessibility DPP and Probation Services*

Region	DPP/State Attorney			Probation Service		
	<1 km	1-5	Foot/ Bike	<1 km	1-5 km	Foot/ Bike
Central	6	32.5	7	9	37	7
West	5.5	15	13	3	19	34
East	10	5	23	10	22	54
North	4	4.5	11	18.5	26	28

**N.B. One Sentinel site in each area was purposively selected to be within the district town thus accounting for much of the proportion of informants nearer to these District based services. There is not necessarily either a State Attorney or Probation Office in a District.*

All (100%) Key Informants were totally satisfied with the number and distribution of Local Councils, which are placed close to the grassroots and thus are very readily accessible. It was said LC Courts are **“...everywhere”**. More than 90 per cent of LC Courts were claimed by Household Informants to be within 1 km of the surveyed Households.

The means used to reach any of the JLOS institutions by community members does not only reflect distance but also availability of alternatives. Thus, whereas in the Central Region and Western Regions 26% and 41% respectively used motorised means to reach the nearest police station and 44% and 55% the nearest Court. In the East and North only 1% and 10% respectively, for the Police and 11% and 14% respectively for the Court used motorised means to get there. The field research teams reported considerable difficulties in obtaining motor vehicles to reach the survey sites in the East and North.

Between 53 and 78 percent of informants had never reached the DPP, while 71%, 44%, 27.5% and 64.5% from the Central, West, East and Northern Regions respectively had never gone to the Probation Office.

19.3 Cost of Accessing Services

The cost of reaching institutions can inhibit the ability to access JLOS services.

Household Informants were asked how much it costs to reach the nearest JLOS facility. Key Informants were asked whether they considered that cost prevented people accessing JLOS services.

Key Informants thought cost prevented many from reporting crimes to the Police where complainants were expected to cover the costs of their transport to the scene of the crime. **“Costs”** do not only include money for transport, but also charges imposed by the Police to cover other expenses such as stationery or opening a file. It may also be extended to cover costs of Police investigations. 89% of Key Informants thought that the cost inhibited people from using police services.

Note that some of these costs are legitimate. It is proper for Police to charge for some of their services, such as accident reports, at scheduled rates. Such payments should, however, always be receipted. It was suggested that most payments are not receipted. Furthermore many such charges are not lawful.

While Household Informants appreciated that there are ‘hidden’ costs of accessing police services, they were unprepared to estimate what these might be. Their responses were therefore limited to the actual cost of reaching the Police to make a report or follow up a case by the complainant or family of the accused person. Thus between 44% and 60% claimed that it costs nothing, as may be seen in Table 21 below.

Table 21 Household Perceptions of Cost to Reach JLOS Institutions

Region [%]	Police			Prisons			Courts		
	Noth-ing	<1000 Shs.	1000 to 10,000	Noth-ing	<1000 Shs.	1000 to 10000	Noth-ing	<1000 Shs.	1000 to 10000
Central	53	19	13	13	11	38	19	15	31
West	46	20.5	31	11	8	63	26	16	40
East	60	15.5	14	24	19	29	40	13	25
North	44	12	22	33	18	23	30	18	48

In contrast to the situation regarding the Police, less than half (39%) of Key Informants thought that cost could inhibit relatives or others visiting prisoners. There was a view by others that once in prison offenders were often outcast from their families and there was little desire to visit. Once someone is in prison one informant said, **“they are forgotten”**, and **“prisoners are outcasts from their families no one wants to visit them”**.

Although 78% of Key Informants believed that cost was not a constraint in accessing LC Courts, a minority observed that LCs also charge for their services and this discouraged the poor from using LC Courts to settle cases. Although this issue was not adequately probed through the questionnaire survey, FGD participants, however, agreed that LC Court proceedings militated against the poor as they also charged for **“Court Time”**. In addition in one FGD in the North it was claimed that: **“the police and LCs favour those who pay them more money in the course of their work and, in so doing, the poor are denied justice”**.

Nevertheless 90% and more of Household Informants said that it costs nothing to reach LC Courts, answering the question only in its literal sense.

Opinions of Key Informants were evenly divided about both the DPP and Probation. In view of the fact that there are so few of these officials, and that most were not aware of their presence or function, cost was not thought to be a major determinant or deterrent to getting their assistance while 53% thought that cost could prevent people reaching them, 47% considered that cost was not a factor.

The actual cost perceived by Household Informants is set out in Table 22. As may be seen a majority had never gone to the offices of these two institutions.

Table 22 Household Informants' Perceived Cost of Reaching DPP/State Attorney and Prob. Offices

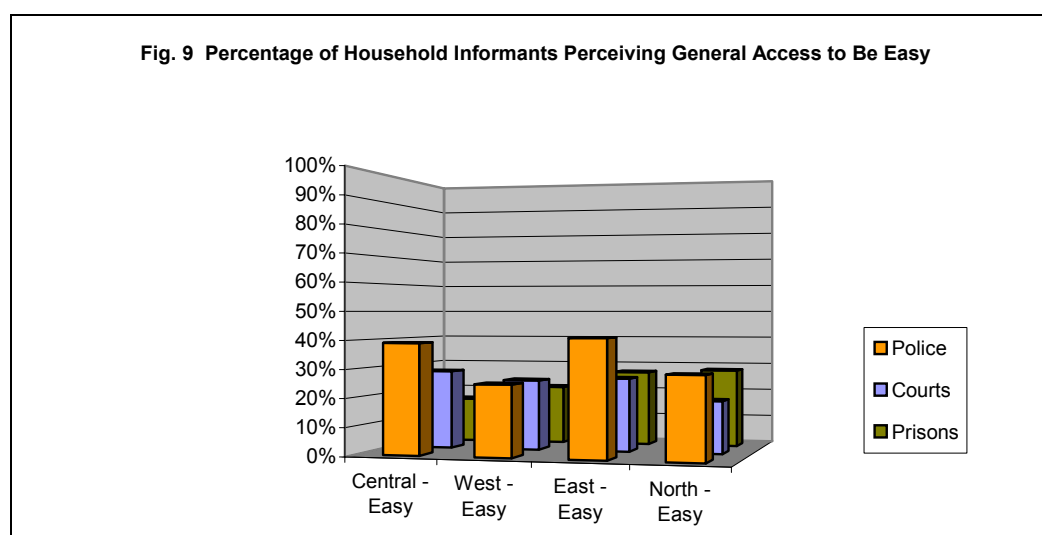
Region [%]	DPP/State Attorney				Probation Service			
	Nothing	<1000 Shs	1000/- plus	Never Went	Nothing	<1000 Shs.	1000/- plus	Never Went
Central	10	7	26	57	8	6	21	65
West	9	7	30	54	17	20	18	44
East	9	7	26	58	33	8	27	32
North	4.5	4	11	81	12.5	8	9	70

There appears to be considerably more resort to the Probation Service in the East as compared to the other three Regions. This may be accounted for by the existence of NGO welfare programs in the two Districts surveyed. In the case of Tororo there is a project of MITUMI and in Katakwi, ActionAid.

19.4 Approachability of Staff of JLOS Institutions

When dealing with the JLOS Institutions a further issue was the treatment of those either seeking assistance as complainants or of suspects, or their relatives get from the various institutions. Both Household and Key Informants were asked how easy they thought it was to get assistance from JLOS Institutions. In other words how approachable or user friendly were staff. The household responses are presented in Figure 9 below. For more details please refer to Table 18 in appendix 6. Table 24 illustrates perceptions of Key Informants.

There are considerable differences between responses by Region. In addition, in case the of Prisons one quarter of Household Respondents did not know about treatment because they had no personal experience and thus, did not have an opinion. Similarly, more than one quarter of all Household Respondents in the Regions, with the exception of the West, also had no opinion of treatment one would receive from the Courts.



Only a minority of Household Informants adjudged staff of JLOS Institutions to be very approachable. Between 49% in the Eastern Region and 71% in the West considered “difficult” to get assistance from JLOS institutions. Of key institutions, Police were ranked the most difficult, followed by Prisons, and lastly Magistrates Courts in all Districts. Respondents had so little knowledge of DPP and Probation that they were unprepared to give an opinion.

The three main services are ranked below in order of difficulty in Table 23 below.

Table 23 Ranking by Household Informants of Most Difficult Institutions from which to get assistance

Region	Police	Prisons	Courts
Central	1	3	2
Western	1	2	3
Eastern	1	3	2
Northern	1	3	2

*NB by proportion of positive responses

In general, with the exception of the Local Council Courts and Prisons, the majority of Key Informants were of the opinion that it was “not easy” to get services from other JLOS Institutions as is shown in Table 24 below. This is similar to the Household Informants, where only one quarter or less indicated that it was “easy” or “very easy” to get help from JLOS Institutions.

Table 24 Ease of Access in General as Perceived by Key Informants

Name of Institution	Very Easy	Easy	Not Easy	Don't Know/ Other
Police	1	11	16	0
Prisons	4	19	3	2
Local Council Courts	17	7	4	0
Magistrates Courts	0	10	18	0
DPP/State Attorney	2	1	23	3
Probation Service	1	2	17	4

In the case of the State Attorneys and Probation Officers this was claimed to be partly due to their extremely small numbers and the fact that they are only to be found at District Headquarters, if at all. The result from the Focus Group Discussions was the same.

In the case of Magistrates Courts, with which a larger proportion of household respondents had experience, their inaccessibility was said to be partly due to ignorance on the part of many people as to how they operate, together with the complex technicalities and language of the law.

Key Informants said that the difficulty with the Police was that they required payments before assistance could be given. In addition, it was alleged that the Police dealt harshly with those who approached them or those they meet at roadblocks. On the other hand, a substantial minority of key informants (39%) and of household informants, mainly in the Centre and East, perceived the Police to be generally easy to approach.

19.5 The Regulatory Framework

The views of all Informants were solicited on specific regulatory issues that included decriminalisation of specific offences, sentencing and the death penalty. The views of Key and Household Informants are set out in the following tables.

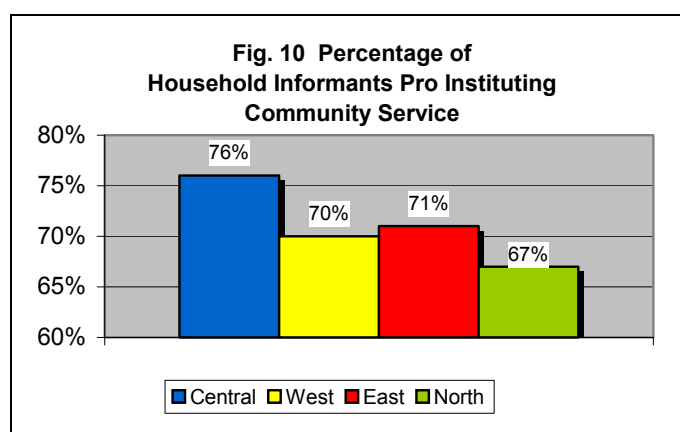
FGD Participants first identified the most common crimes in their areas. There was some difference not only between Regions, but also between Districts of the same Region. In Kampala, Bundibugyo, and the North theft, assaults, being idle and disorderly and defilement were the top four problems. In other Districts, domestic offences (including wife beating, child abuse and incest), defilement and rape were rated as more serious problems than theft and assault. Other rated crimes mentioned included drug abuse and vagrancy.

19.5.1 Changes in Sentencing - Community Service

All FGD participants and Key Informants were asked if they agreed that community service could replace other forms of sentences for some offences.

All informants supported the introduction of community service and gave a number of reasons for their views. Participants in the Focus Groups also suggested appropriate types of community work with which persons sentenced could be occupied. This is somewhat at variance with the opinions of Household Informants.

While all Key Informants agreed with community service as an alternative sentence for petty crimes, including traffic offences, petty theft, simple assault and being idle and disorderly, a substantial minority of Household Informants disagreed with what, the crimes?. The overall percentage of Household Informants approving the concept of Community Service are shown in Figure 10 below:



There are, however, wide disparities between the views of Household Informants from the different Regions with respect to whether particular types of offence could and should carry community service as sentence. The percentages of those supporting or not supporting community service in case of specific types of offence are set out in Table 25 below

Table 25 Household Informant's Views on Community Service as a Sentence

Crime	Central Region		West Region		Eastern Region		North Region	
	Yes	No	Yes	No	Yes	No	Yes	No
Adultery	14	86	44	56	30	70	8	92
Traffic	17	83	6	94	21	79	2	98
Petty Theft	39	61	53	47	52	48	26.5	73.5
Simple Assault	28	72	55	45	59	41	24	76
Idle/Disorderly	42	58	56	44	39	61	12.5	87.5

It was suggested, in the FGDs, that community service could be seen by some as allowing criminals to get away with their offences or to be let off too lightly. In addition it was suggested that it could be misused by the rich to get free labour. Overall there were few offences that attracted majority support from Household Informants for community service, in any Region. Household Informants in the North were the most doubtful about particular offences, although generally approving the idea.

On the other hand, in the Focus Groups all participants in every Region supported the introduction of community service as a sentence for some minor crimes. Their support is founded on the perception that the offender will, in this way, pay for his/her crimes.

FGD participants saw the advantages of community service as including the fact that offenders would be able to continue looking after their families while serving their sentences; community development would be furthered at little expense; communities would gain the 'free' services of skilled persons such as teachers and doctors; and avoidance of turning petty offenders into hardcore criminals

FGD participants were innovative in suggesting types of work that they could be required to do as follows:

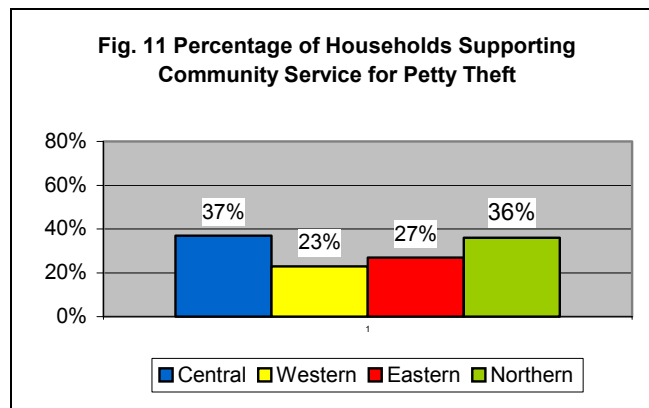
- Clearing Roads
- Protection of Springs
- Digging Pit Latrines
- Construction Community buildings in Youth and Women farm groups
- Undertaking skilled work where appropriate (e.g. teaching, engineering, medical care)
- Cleaning hospitals and health units
- Care of Elderly and disabled

But the FGD participants cautioned that community service should be properly monitored and offenders counselled. There would have to be much community sensitisation and training, as well as training of those, such as LC executives, who might be expected to be involved in supervision of offenders.

As may be seen from Table 25 above, there were considerable differences of opinion among Household Informants as to which offences could most appropriately attract community service. The largest minority, however, of Household informants approved this sentence for petty theft as is shown in Fig 11 below. There was less unanimity of view with respect to other types of offences. 17% of Households in the Central Region considered this suitable in cases of adultery, traffic offences and being idle and disorderly.

Only in the North, however, did any other offence have support of even this percentage and that is in cases of simple assault, where 26% of Households believed the punishment should be community service. This is reportedly in keeping with traditional practices.

The percentage of Households supporting Community Service for Petty Theft are shown below in Figure 11.



Both Household and Key Informants were asked whether they agreed to abolish the death penalty for all or some categories of crime.

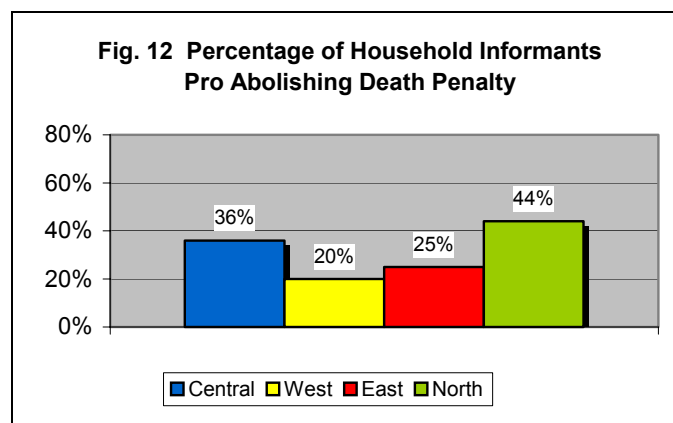
Very few FGD participants supported abolition of the death penalty and those who did cited religious reasons. An exception was Tororo District where FGD participants were completely opposed to the death penalty stating

“it is too final and does not give room for reform”.

Those in Tororo were concerned about miscarriages of justice in view of the fact that innocent people may get executed. They expressed the further view that elimination of life is itself a violation of human rights.

On the other hand most other informants had the opinion that the death penalty should be restricted to different categories of crimes, namely murder and aggravated robbery resulting in death of the victim (s).

In contrast to the Key Informants, where only 6 of whom (21%) proposed that the death penalty be completely abolished, a surprisingly large minority of Household Informants supported this option as shown in Figure 12.



They were on the other hand most vehement in removing treason from the list of offences that carry the death penalty, explaining that this was often misused for political purposes:

“Imagine if Mzee Mandela had been hanged due to treason, Africa and the World at large would have missed his great contribution. Remember what is treasonable today may not necessarily be treasonable tomorrow”

FGD participants disagreed about how morality crimes should be dealt with. Although, in general, most considered that these offences required treatment other than imprisonment, not all supported this view. They were equally divided with respect to the death penalty and decriminalisation.

19.5.2 Decriminalisation

Both Household and Key Informants were asked if they agreed that some offences could be decriminalised.

There was substantial support for decriminalizing certain types of offence. The views of Household Informants are presented in Figure 13 and those of Key Informants in table 26 below. Figures on decriminalizing vagrancy have been included in Table 19 in Appendix 6.

A surprisingly large majority, of Household Informants, in contrast with the Key Informants, favour decriminalizing homosexuality. Similarly, with the exception of the Western Region, a majority of Household Informants support decriminalizing both adultery and prostitution.

It would appear that those in the West are more conservative in their views than those in the North, Centre and East and are in line with those of Key Informants.

In the Focus Group Discussions, however, a broad range of opinions were expressed. Most participants in the FGDs were divided in their opinions about morality crimes. Some thought that these could be dealt with by agencies other than the police and Courts, others that harsher jail sentences should be imposed. For instance, some felt that prostitution was more of a social problem than a crime, and thus could be dealt with through counselling and involving prostitutes in other income generating activities; while others said that prostitutes caused broken homes and therefore were a menace to society and should be punished by heavy jail sentences.

All FGD participants, although they had little experience of it in practice, as it was said to be uncommon or unknown in their area, considered homosexuality a ‘heinous offence’ and thus should be punished by a stiff prison sentence. This is in contrast to the views of Household Informants who were more liberal in their views, with more than 70 percent, except in the East favouring decriminalisation. Evidently people are prepared to privately support what they will not publicly proclaim.

In the case of defilement, all participants in every District considered that there should be distinctions made between serious defilement by force of young girls of age 10 years or less and consensual sex of more mature age. It was also more generally agreed that instead of the death penalty, defilement should carry only a sentence of life imprisonment for the more serious type of offence. The same applied to cases of rape for which it was considered that the death penalty was too severe.

FGD participants proposed that cases of adultery be dealt with by ‘elders’ or ‘LCs’ and not through the Courts, particularly since the penalties were derisory being only Shs.600/- fine. They therefore supported the decriminalisation of Adultery.

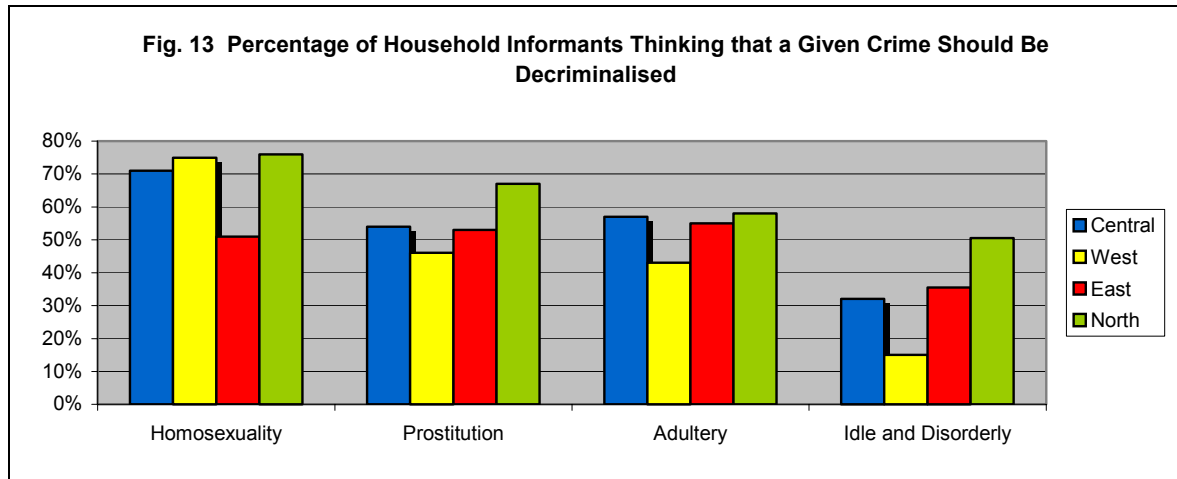


Table 26 Comparison of Views of Key Informants on Decriminalisation

Nature of Offence	Decriminalise	Don't Decriminalise	Don't Know
Adultery	16	12	0
Idle and Disorderly	17	11	0
Vagrancy	24	4	0
Prostitution	20	8	0
Homosexuality	15	11	2

19.5.3 Severity of Sentences

For some morality crimes informants were also asked whether there should be more severe or less severe punishments. Where they had already supported decriminalisation informants naturally also indicated that there should be no punishment. In the case of those who did not support decriminalisation, more favoured harsher punishments than supported no change.

In reviewing Table 27 it has to be underlined that even Key Informants were not aware of the maximum penalty in all cases, furthermore there is a great difference, not well appreciated by lay persons, between the maximum and what is actually imposed. As an example, during the period of the survey one offender was sentenced to only 7 years for defiling a 5-year-old girl, while it was reported by prisons personnel that another offender was still in prison after being sentenced to 7 years for having sex with his girlfriend of 17 years. The latter was unaware of the fact that he was committing an offence.

Table 27 Key Informant Views on Sentencing

Nature of Offence	More Severe	Same as Now	Less Severe	None	Don't Know
Prostitution	4	2	4	18	0
Defilement	4	2	12*	0	0
Homosexuality	4	5	5	11	3

Six key informants suggested that the death penalty be reserved for cases of 'aggravated defilement' as recommended in the Report of the Law Reform Commission. In this vein FGDs participants also recommended that a distinction should be made between consensual sex with reasonably physically mature girls and where the defilement was a form of rape.

There was considerable confusion in the minds of Key Informants about what to do about homosexuality, with some viewing it as needing counselling rather than imprisonment, and others thinking that it was a purely personal affair between two people. There was also insufficient knowledge about the severity of punishment at present since no one had ever heard of a case being prosecuted.

20 Quality of Justice

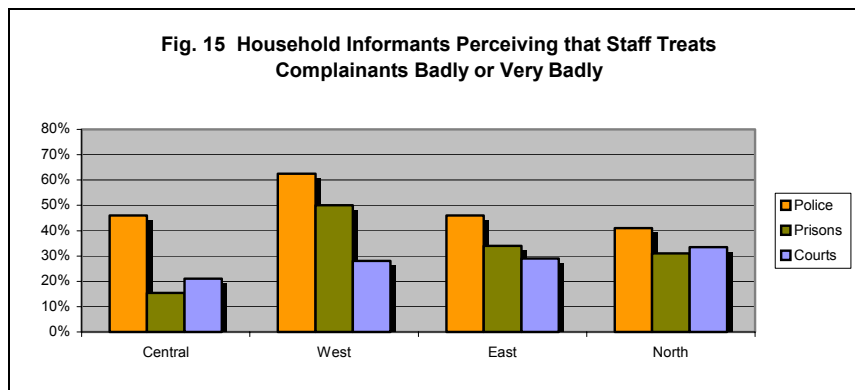
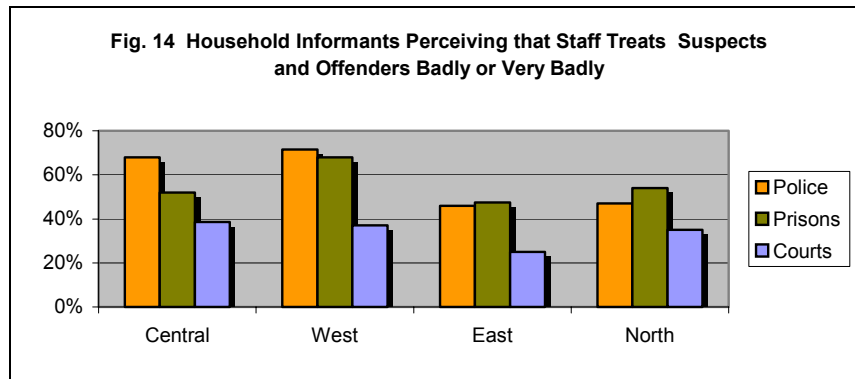
20.1 General Treatment of Suspects/Offenders

Central to the concept of access to justice is the extent to which JLOS Institutions uphold human rights both in general and in particular. Questions were therefore asked about general treatment of suspects and offenders and about specific aspects of that treatment.

Key informants generally perceived the Police as treating suspects badly or very badly (69%), while only 31% including the Police informants themselves, thought that they treat suspects well.

Whereas there is a broad agreement between these responses and those of the Household Informants in the Centre and West, in the East and North a much higher proportion thought the police treat suspects well or very well.

Figure 14 presents responses of Household Informants to questions with respect to treatment of suspects or offenders and Figure 15 with respect to complainants or victims (see also tables 20 and 21 in appendix 6 for more details). Table 28 compares responses to the same questions for Key Informants.



A high proportion of Household Informants in the Central and Eastern Regions had no knowledge or perception of how offenders were treated in prison. Of those who answered this question few considered that offenders are treated at all well in Prisons, and nearly one quarter thought that they are treated “very badly”. This is at variance from the Key Informants who rated Prisons more highly for their humane treatment of suspects and offenders than the Police.

The Courts were accorded the highest rating for treatment of suspects by the Household Informants, very few being of the opinion that they treated those on trial “very badly”.

Table 28 Perceptions of Key Informants about Treatment of Suspects/Complainants

Name of Institution	Very Well		Well		Badly		Very Badly	
	Susp	Com	Susp	Com	Susp	Com	Susp	Com
Police	0	1	9	14	11	7	8	6
Prisons	0	8	18	15	6	3	4	0
LC Courts	2	10	22	16	4	2	0	0
Magistrates Courts	0	1	24	19	3	7	1	1
DPP/State Attorney	1	1	18	13	3	11	0	0
Probation Service	3	3	11	14	6	0	0	0

As with the other questions concerning the DPP and Probation Officials, few had dealings with the former. Between 32% in the Central Region and 12% in the Northern Region were able to answer this question. In the case of the Probation Department a rather smaller number in the Eastern Region had dealings with the Probation officials, and of these most stated that they treated suspects and offenders “well or “very well”.

Four (4) Key Informants stated that the DPP, and eight (8) that the Probations Service do not deal with suspects, thus the first question was not applicable, similarly two Informants were of the view that Prisons do not deal with complainants or victims and 8 had the same opinion with respect to the Probation Service.

The Household Informants also believed that staff of JLOS Institutions generally treated complainants much better than suspects/offenders as is shown in Table 27 above. A higher percentage, however, except in the West, were unsure about how Prisons treat those who are not prisoners.

20.2 Treatment While in Detention

Household and Key Informants were asked specifically about medical care and feeding of those in police custody or in prison.

Perceptions of Household Informants vary very considerably between regions. In general, it was felt that while an attempt was made to satisfy minimum essential needs, lack of funds compounded by inaction resulted in both Police and Prisons falling far short of humanitarian goals. Often those detained rely on family and friends to bring food, or use money to purchase some.

It was, generally, agreed that the quantity and quality of food given to suspects or prisoners was inadequate and poorly cooked. At the same time, many prisoners are expected to do hard manual work. It was explained that prisoners go out for the whole day, and may find little to eat when they return. Prisoners reportedly do not get clean water or even bedding.

It was agreed, by all, that Prisons freely allow visiting on specific days, but when someone has a lawyer, it was thought not be so easy for the prisoner to see him/her freely at any time.

Further probing about treatment of suspects by the Police and offenders by the Prisons Services elicited the responses from Household Informants are set out in Table 29.

Table 29 Household Perceptions Access Prisoners to Essential Needs

Region	Service	Medical Treatment			Food			Clean Water		
		al ways	some times	never	al ways	some times	never	al ways	some times	never
Central	Police	2	34	43	2	38	47	4	33.5	38
	Prison	10	63	11	10	45	34.5	7	40	32
West	Police	7	21	53	5	14	66	2	11	68
	Prison	15	48	18	11	50	26	6	25	45
East	Police	25	28	30	15	33	40	39	30	18
	Prison	37	40	6	26	37	22	46	28	10
North	Police	42	20	19	26.5	28	35	76	9	4.5
	Prison	58	17	5	40	23	22	72	8	4

The reason for the relatively favourable responses in the Northern Region is allegedly due to local ideas as to what constitutes clean water and adequate food. With respect to the prisons it was said that **“they dig for their food so it must be enough”** and they also assumed that there was a borehole in the local prison and others boreholes accessible to the police so the water provided to prisoners must be drinkable.

Key Informants had somewhat different views, 70% believe the Police only provide medical care as needed only “sometimes” and 30% “never”. Medical aid is also more often provided if the suspect can pay for it. 39% think the Prisons provide medical care “always” and 61% “sometimes”. 61% said that the Police “always” provide food, even if only once a day (although sometimes relatives are allowed to bring food for the suspect), while 70% said Prisons “always” provided food and 30% said only “sometimes”. This was qualified by saying that both quantity and quality were inadequate.

Fresh water is believed to be a scarce commodity in both Police cells and Prisons. Just over one third believed that it was “always” available, while 35% in each case thought it was “never” provided.

20.3 Arrest and Committal Procedures

The *Constitution, 1995* stipulates that after arrest a suspect must appear in Court within 48 hours and Police should always inform those arrested of the nature of the charge. Household and Key Informants were asked whether they believed these rules were always being followed. Both Key and Household Informants were of the opinion that these human rights were not always being observed.

Very few informants, indeed, were convinced that the Police always had a good reason for arresting anyone. In fact, it was suggested that they arrested first and carried out investigations only later and that this was a major factor in the backlog of Court cases, due to the fact that investigations were incomplete.

The Key Informants considered that there was very limited assurance that the Police either arrested for good reasons or detained only for the stipulated 48 hours before a suspect was taken to Court. 68% and 47% of Key Informants respectively averred that Police arrested without good cause, and detained for longer than the law allows “sometimes”, while 32% and 53% said that they “never” arrested for sound reasons and “never” adhered to the stipulated 48 hours.

Although the former would be the expected attitude of those arrested, it is also indicative of a communication breakdown at the very least, where it is the perception of the general public as a whole. In terms of the general perception it is considered by most informants to be one of the most serious flaws in the justice system. The relative equanimity with which it appears to be accepted is equally disturbing, pointing to lack of appreciation of, and demand for basic human rights.

The Police were also accused of failing to follow correct procedures when making an arrest. When asked whether suspects were informed about the reason for their arrest and of their rights, some said:

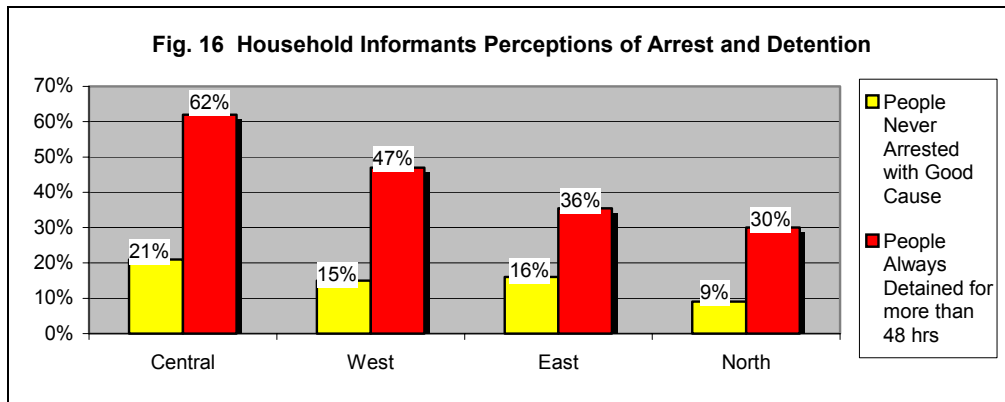
“We only see such things on TV. Here suspects are just bundled on pick-up trucks and may even be released without knowing they were arrested in the first place”.

Others pointed to the fact that before someone is arrested it is now mandatory for the Police to charge them in front of, or through, the LCs. This they do not always do. In addition

“The procedure is that the arrest warrant is shown to the LC when the suspect is in front of them but the suspects are not cautioned or informed of their rights”.

Focus Group discussants said that people are aware that they can hire a lawyer, but not only do they lack the money to do so, but lawyers are not readily available in most places.

Household Informants' perceptions are presented in Figure 16 below. More details are available in Table 22 in Appendix 6.



During the FGDs it was also claimed that

“Time for detention in police cells is not being followed because of money. With money you can easily be released”.

In other words, the Police will detain for longer periods, in the hope of getting “bail” money, rather than either release for lack of evidence or take a suspect to Court.

In addition, to these claimed breaches of human rights, only half of all key informants believed that suspects were “never” imprisoned without this being a sentence of the Court. 47% thought that both police and prisons “sometimes” or more often suspects were wrongfully imprisoned. Furthermore, informants cited cases where influential or powerful individuals would dump

“lodgers” in the prisons. Formally speaking a **“lodger”** is a prisoner temporarily housed, in transit, due to such things as requirements for Court appearances or transfer to another prison. It is commonly used, however, as a slang expression of the man in the street for individuals who are wrongfully and unlawfully detained.

It was also suggested that the Local Administration Police and agents of other organizations including the Local Defence Force and UPDF may detain individuals in ungazetted places.

Two major issues are constantly referred to by Informants and Household Respondents. The first is the practice of Police detaining suspects for far longer than the mandatory 48 hours, and the second is the need to pay bribes to everyone handling a case, but particularly the police. What constitutes a bribe, and that which is a legitimate demand for bail money is said to become confused, as on the one hand bail money is not always receipted, and on the other seldom refunded after a case has been concluded. This issue is further discussed under the heading of Bail and Bonding Issues below.

It is not always the Police who carry out initial arrests. In Central Region informants claimed

“There is a common practice of other organs of state like ISO, CMI, DMI etc. taking people to police for safe custody and they may never come back at all, while some languish in police cells for very long periods”.

Responses of Household Informants to this question indicated similar scepticism in most regions as detailed in Table 30 below:

Table 30 Household Perceptions of Imprisonment by Police and Prisons Only if Court Orders It

Region [%]	Not at all sure of Police	Sometimes sure of Police	Not at all sure of Prisons	Sometimes sure of Prisons
Central	26	37	10.7	32
West	38.5	19	16.5	18
East	14	29	2	6
North	10.5	31	12	30

63% of informants in Central Region, 57.5% in the West, 43% in the East and 41.5% in the North think the police sometimes imprison those they arrest without a Court order While smaller percentages in the other Regions, with the exception of the East, think that Prisons incarcerate those who have not been sent to them by the Courts.

The cases of unlawful detention discussed by the FGD participants were those where individuals were held in Police cells (or other organisations using Police cells), and not by Uganda Prison Services . The reasons given for the Police not adhering to the law include the time needed to investigate cases, delays due to weekends and public holidays, lack of transport and protection of the suspect against mob justice.

It was also suggested that the public appear to be able to manipulate the Police using detention in the cells as a means of bringing pressure on others suggesting that

“Some rich community members pay money to police or officials handling the case in order to extend the detention of a suspect”.

True or not, this is the general perception participants in FGD have. It presents a disquieting picture of the public view of Police operations and integrity.

20.4 Bail and Bonding Issues

Participants in the FGDs seemed to all know about the right to apply for bail or bond. They complained, however, that the amount set for bail was too high for most people to afford. Also the Courts do not give time to find the money. Even if the Court allows Bonding, Court officials will still demand money. Furthermore, bail money is never returned after a case is resolved. One FGD participant claimed that no receipt was given with respect to bail of Shs.500, 000/-.

The FGD participants pointed to several problems with bail and bond. Often suspects will jump bail. The same is true in case of bonding which makes many people reluctant to stand as surety **“some people disappear when you stand for them”** and this results in hardship for those who put up the bond.

As a result of the present lack of optimal use of bonding, it was the general view that length of time on remand was excessive, especially in case of capital offences.

In the Northern Region participants said that High Court Judges appear in their District only once a year to hear capital offences, and if there are many cases one has to wait for years before a trial is concluded. Those from the Western Region expressed similar views.

It would also appear that without a relative, or a lawyer, to follow up ones' case the possibility of being bailed in spite of constitutional provisions is slight. Prisons personnel referred to both non-capital and capital offences where the suspect had remained on remand for up to 7 years without apparently anyone following up their case and admitted that Prison records were inadequate for tracking inmates.

20.5 General Discriminatory Practices

Access to Justice may also be measured by the extent to which JLOS Institutions may be influenced in their management and handling of cases by subjective factors leading to discriminatory and corrupt practices. A number of other specific questions addressed issues of the quality of justice. These include the extent to which treatment is influenced by tribalism or nepotism, or the social status and wealth of those they are dealing with.

Household and Key Informants expressed different opinions on whether JLOS Institutions are free in general terms from discriminatory practices, particularly tribalism. Tables 31 and 32 compare responses on this issue. A very high percentage believe the Police always discriminate in the Central and Western Regions, with rather smaller numbers of respondents believing this to be true in the East and North.

Household Informant perceptions on whether JLOS Institutions discriminate follow the same ranking as other measures of efficient and effectiveness and access to justice, with Prisons and Courts thought to practice higher humanitarian standards and only a minority knowing enough about the DPP and Probation Service to give an opinion.

Table 31 Household Inform. Perceptions of Extent of Discriminatory Practices by JLOS Institutions

Region [%]	Police Always	Police Sometimes	Prisons Always	Prisons Sometimes	Courts Always	Courts Sometimes
Central	66.5	23	49.5	31	17.5	53
West	72	15	59	24.5	29	45
East	35	24	26	26	17	25.5
North	32	34.5	29	31	22	34.5

LC Courts were considered by Household Informants to practice discrimination to a surprising extent. In the North, 16% and 36% percent of the LC Courts were thought to “always” or “sometimes” discriminate, respectively. The corresponding percentages for the Central, Western and Eastern Regions are 27% and 55% per cent, 14% and 55% and 31.5% and 27%.

Table 32 Key Informants Perceptions of Extent of Discriminatory Practices by JLOS Institutions

Name of Institution	Always Treat Equally	Sometimes Discriminate	Always Discriminate	Don't Know/Other
Police	7	0	15	0
Prisons	6	9	13	0
Local Council Courts	11	6	11	0
Magistrates Courts	14	8	6	0
DPP/State Attorney	14	8	5	1
Probation Service	5	3	5	14

The very large number indicating lack of knowledge about the Probation Service reflects the fact that not only are there very few Probation Officers, but they are apparently not well integrated into the justice system, focusing almost entirely on more general issues of juveniles, that are not always referred to them by the Courts.

Household Informants were also asked to what extent they thought accused persons could get a fair hearing in LC and Magistrates Courts. Table 33 reflects their responses. Views concerning the LC Courts greatly vary. There is greater correspondence of views with respect to Magistrates Courts, with very high percentages believing that they dealt with cases fairly at least “some of the time” although less than half thought they were “always” fair. Informants in the Central Region were particularly critical of the Courts.

Table 33 Household Perceptions of Fair Hearings in the Courts

Region	LC Courts			Magistrates Courts		
	Always	Sometimes	Never	Always	Sometimes	Never
Central	6	38	4	10	53	8
West	52	45	2	33	51	5
East*	5	2	24	46	33.5	3
North	53	37	2	31	40	7

*nb.93% claimed not to know how fair LC Court decisions were

20.6 Inequality of Bargaining Power

Both Household and Key Informants were asked whether richer people got better treatment from JLOS Institutions.

The Wealth Factor

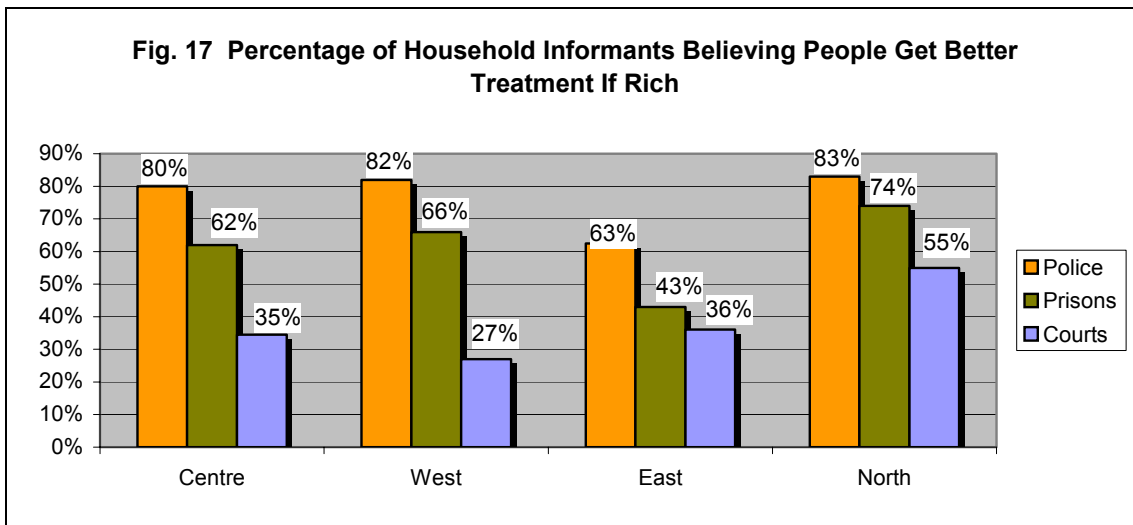
In Eastern Uganda, Police, Courts and LCs were all singled out as being notorious in discriminating against persons on the grounds of their economic status. Those with money are better served, while women and the poor were marginalized. It was alleged that Police could even detain people “*for months*”. On the other hand FGD participants in the Northern Region said that because Police accepted bribes, even those suspected of capital offences were released on bail. This further demonstrates lack of awareness on the part of informants as to the distinction between what may legitimately be demanded and what is illegal, and the right to apply for bail.

During the FGD discussions, it was claimed that the Police use arrest and detention as a means of extorting bribes rather than as an interim means of securing offenders before they are taken to Court. It was also suggested that the public appear to be able to manipulate the Police using detention in the cells as a means of bringing pressure on others, suggesting that

“Some rich community members pay money to police or officials handling the case in order to extend the detention of a suspect”.

True or not, it gives a negative picture of the public perception of Police operations and integrity.

A majority, of both groups, believe that JLOS Institutions discriminate more frequently as a result of the social status or wealth of the persons they are dealing with, both suspects/offenders and complainants/victims than because of tribe or personal relationship. The police are seen to be particularly prone to this form of discrimination as may be seen from Figure 17 below (for more details please refer to Table 23 in appendix 6).



In the case of Household Informants the Police were thought, by more than 80 per cent in three of the Regions, to practice this form of discrimination often with decreasing percentages for Prisons and Courts. It is significant, however that neither Police nor Prisons were absolved of this practice by more than a very small minority of Household Informants and even the Courts are thought by more than a quarter to favour the rich.

Fifty percent or more of all Key Informants were of the view that such discrimination is practiced often or very often with the exception of the Probation Service as can be seen in Table 33 below.

Table 33 Extent of Perceived Frequency of Discrimination Based on Status/Wealth by Key Informants

Name of Institution	Very Often	Often	Some-times	Seldom	Very Seldom	Never	Don't Know
Police	12	3	5	2	6	0	0
Prisons	12	4	4	2	6	0	0
Local Council Courts	10	6	8	2	2	0	0
Magistrates Courts	10	4	6	2	6	0	0
DPP/State Attorney	10	6	4	0	8	0	0
Probation Service	6	3	2	0	4	7	6

A minority of informants thought that only the Probation Service was totally exempt from practicing "wealth" discrimination but this was balanced by a more than equal number who considered that the Probation Service was guilty "often" or "very often" of favouring those who are of higher status or better off. No informants had the view that any other service was completely free of discriminatory practices.

In summary, it is the general view of most of those interviewed, that a wealthy person can buy himself out of arrest or even jail, can ensure harsher treatment of poorer members of the community, can pay for files to disappear or manage delays in Court proceedings.

It was said

"When you find yourself in conflict with a richer person, you can almost rest assured that you are not going to get justice".

Again, the Consultant has no documentation that these perceptions reflect the actual situation, but it must be considered a serious state of affairs when the public perception is that JLOS and justice are for sale.

Informants pointed to other types of discrimination as being common. For instance it was suggested

"When you take a dispute to the LC Chairman whom you didn't support during campaigns, you will be mistreated and will not get justice".

20.7 Gender Based Discrimination

Both Key Informants and FGD participants agreed that gender also influences how a person is treated. Cases involving women may still be considered as family affairs even those involving defilement. The man may also be given more favourable treatment if the matter reaches the Police or Courts.

In cases involving domestic violence or other crime such as adultery, women were also said to be particularly discriminated against. LCs and Police tend to favour male complainants or offenders rather than women, and women are more at a disadvantage when they are arrested as there is no one to care for their welfare while they are in the cells (but this is a general discrimination by society, not by JLOS only); whereas men usually have family members to bring food and other necessities while they are in Police cells. Thus, it is the view that the poor are most discriminated against, and poor women more so.

While Key Informants said that most other institutions treat complainants/victims fairly well, NGO informants pointed to the fact that the Courts treat rape victims very badly indeed. They are peremptory and dismissive in their questioning, and this includes Judges not just State Attorneys. They also subject the victims to unnecessary humiliation in open Court.

20.8 Tribalism and Nepotism

All Informants were asked if they thought that there was discrimination based on ethnicity or nepotism. Very few believe that any of the JLOS Institutions are completely free of discrimination on the basis of ethnicity or nepotism although the perceptions of the extent of such practices varies very widely as shown from Tables 34 and 35.

Officials were said to favour their own tribes-people at times, and may discriminate against those who do not speak the same language. Although, in general, tribalism and nepotism were not seen to be major factors in how people were treated by JLOS Institutions, a majority of Household Informants in all Regions also think that Police and Prison staff “often” or “some of the time” discriminate on the basis of nepotism or ethnicity. While the Courts are seen as also being discriminative, they are thought by most to do so less frequently.

Table 34 Perceived Extent of Discrimination based on Nepotism – Household Informants

Region	Discrimination based on Nepotism								
	Police			Prisons			Courts		
[%]	often	Some times	Never	often	Some times	Never	often	Some times	Never
Centre	40	50	5	27	38	4	12	47	12
West	65	24	4	47	38	1.5	14	50	15
East	33	30	24	24	31	23.5	19	25	27
North	36	39	10	34	35	12	26.5	32	14

Table 35 Key Informant Perception of Frequency of Discrimination due to Nepotism

Name of Institution	Very Often	Often	Some-times	Seldom	Very Seldom	Never	Don't Know
Police	6	3	4	4	8	3	0
Prisons	4	4	5	4	2	9	0
Local Council Courts	8	0	4	3	4	3	6
Magistrates Courts	4	2	6	1	10	5	0
DPP/State Attorney	4	2	6	1	12	3	0
Probation Service	4	2	4	0	1	11	6

The Probation Service was thought to be completely unbiased by a larger number of informants than any other Institution, but again there is a very high proportion who did not know enough about the institution to venture an opinion.

The LCs are also believed by Household Informants to be guilty of both nepotism and favouritism towards the rich as is shown in the Table 36 below. It is suggested that the differential in percentages not only reflects differences in expectations, but also real differences in performance of the LCs.

Table 36 Household Informants Perception of Discrimination by LC Courts

Region	Nepotism			Wealth		
	Often	Sometimes	Never	Often	Sometimes	Never
Central	17.5	57	23	34.5	59	6
West	13	60.5	25	27	49.5	22
East	23	30	43	36	31.5	29
North	26	37	28	55	28	16

20.9 Common Perceptions of Discrimination

With further respect to discrimination, it was the view of all Informants that it was only human to show some level of discrimination when dealing with either offenders or complainants. It was thought only natural to give preferential treatment to people of the same ethnic group, from the same home area, or to relatives and friends.

It was also stated to be fairly self evident that those with more money got better treatment, just because they were able to pay for better food, medicine and other necessities, not necessarily out of a desire to favour the rich as a social category. Rich people could pay to facilitate the police, for better treatment in prison, for lawyers and costs of attending Court and sometimes even to facilitate the State Attorneys or Probation staff. In addition, rich people were usually educated and those with little education were at a disadvantage, especially in Court.

21 Conclusion Part III

21.1 General Conclusions

The following conclusions are not based on verifiable facts, but on the perceptions as they arise from the results of the interviews on the performance of the JLOS. They may misrepresent the genuine situation as it is on the ground, but nevertheless provide an authentic picture of perceptions of the JLOS by clientele, staff and organizations involved in law and human rights.

The views represent the responses of Household and Key Informants gained through questionnaire interviews and the outcome of more in-depth discussions with participants at Focus Groups, and with Key Informants.

In terms of **efficiency and effectiveness**, overall, a majority of informants were very dissatisfied with all aspects of the operation of the Police Force and slightly less so with Prisons and the Courts. There were variable views on the LC Courts but most considered them to be a more acceptable option than the conventional JLOS Institutions.

Few had had dealings with either the DPP or Probation Offices and, therefore, had no knowledge of the way in which they work. This ignorance, however, is in itself a measure of the extent to which these two elements of the judicial system are poorly staffed and resourced and functioning ineffectively.

The Probation Department is considered to be particularly deficient; and while plans are in hand to strengthen the DPP, there seems to be little intention of improving and expanding the Probation Service and bringing it more in line with professional standards, or even competency to manage the most limited areas of its responsibilities.

Access to JLOS is inhibited by ignorance, poverty, and poor public relations of staff in JLOS Institutions.

The **quality of justice** is perceived to be poor with respect to all the parameters studied. This includes arrest and committal procedures, bail and bonding, treatment while in custody or prison. Furthermore a high level of discrimination is practiced on various grounds.

The most widespread and pernicious discrimination complained about by all informants is that based on wealth, as FGD participants explained it.

“Bribes are very common. One needs to spend a lot of ‘chini chini’ money to police and law courts. In this way the rich get off scot-free leaving the poor ones to suffer as they lack money to satisfy those dealing with the case. Some rich community members are claimed even to pay cash to Police or Prison staff to punish others where there are family feuds or bad neighbourly relationships.”

Bribery whether overt, or hidden as facilitation due to lack of or inadequate resources of JLOS Institutions has, according to those interviewed, become so much a feature of the operation of all JLOS Institutions that it is almost accepted as legitimate. It is taken as normal that those of high status should be treated differently. It is considered commonplace to use money to obtain good treatment, in Police custody, in Prison, in both LC and Magistrate Courts or High Courts.

21.2 Efficiency and Effectiveness

- The Working efficiency of all JLOS Institutions is considered to be at least “fair” by the majority of both Household and Key Informants
- Their effectiveness is however compromised by poor public relations
- Informants were equally divided in their views about the speed of the Police in responding to crime reports and effecting arrests
- The majority considered Magistrates Courts were “slow” or “very slow” in resolving cases
- A high proportion of Household Informants did not know enough about the DPP and Probation Service to give an opinion
- Effectiveness is undermined by the extent to which bribery is practiced by staff of all JLOS Institutions
- Efficiency is also affected by embezzlement and misuse of official equipment, although to a lesser degree than the practice of bribery

21.3 Access to Justice

- Access to Justice is thought to be inhibited because of the need to pay for services and to offer bribes
- Access to Justice is not thought, by Household Informants, to be restrained by distance or difficulty of reaching JLOS Institutions; although Key Informants considered the present number and disposition of JLOS Units and staff to be inadequate
- Access to Justice was perceived by all informants to be inhibited by the poor treatment complainants and suspects/offenders receive from JLOS staffs
- Access to Justice is made more difficult by the complexities of regulations and official language
- Access to Justice is also seen to be constrained by limitations in knowledge and understanding by the general public of laws, regulations and procedures
- Access to Justice was partially determined by defects, limitations and anomalies in the penal code, thus Informants supported changes in the laws and in sentencing with respect to specific morality and other crimes
- There seems to be a great sympathy for introducing community service although there was scepticism about which crimes could receive such a sentence.
- A surprisingly large minority favour abolition of the death penalty. A majority were in favour decriminalising treason, as it is seen as being used purely for political purposes
- A majority also favour decriminalising homosexuality and prostitution.

21.4 Quality of Justice

The quality of Justice was thought by all informants to be severely deficient in every respect that was reviewed in the interviews.

- A majority believe suspect/offenders are treated badly by staff of Police, Prisons and the Judiciary
- A majority believe that specific human rights are not observed with respect to arrest and detention
- A majority believe that sometimes suspects are wrongfully imprisoned
- A majority consider that basic needs of suspects and offenders are only sometimes provided for and, even so, what is provided is inadequate
- A majority realise that poor provision of basic needs is probably a result of Police and Prisons having inadequate resources
- A majority believe that money is needed to ensure that ones case is handled well
- A minority believe that tribe, kinship or friendship and gender all affect the outcome of cases and the way they are handled
- Few believe that bail or bonding is a real option

PART IV

**CONCLUSIONS
AND
RECOMMENDATIONS**

22 Findings of the Survey

22.1 Part I Crime Statistics

There has, over the years covered by this survey, been a general increase in reported crimes. The level has risen from 50,000 reported crimes in 1996 to 85,000 in 2000. This is matched by an increase in the crime rate over the same period of 46%.

For the individual clusters of crime the trend in incidence is as follows:

- There has been a small but steady upward trend in the number of capital crimes
- Serious crime has also shown a steadily increasing trend nationally and for all regions with the exception of the Central Region where data indicates a very significant threefold increase
- The incidence of economic crime is increasing at a greater rate than other categories from a low of 36% in the West to 256% in the East
- The situation with respect to petty crime is mixed with cases general peaking in 1998 and actually falling in the East and West, while the Central Region showed a 14% increase. By contrast the Northern Region registered a 367% increase, mostly due to an extraordinary increase in reported cases in 2000

The geographical distribution of overall reported crime is:

- Western Region 39%
- Northern Region 28%
- Central Region 21%
- Eastern 12%

Between 52 and 65% of all crimes are reported in rural areas. 80% of the population live in rural areas.

Males outnumber females by approximately 20 times as suspects in reported crime.

Of all civil servants accused of crimes, employees in Education have the highest percentage, 40% as reported suspects. Within the category "armed services, UDPF has the highest score, 28% of accused.

An increasing number of juveniles are accused of crimes as it is shown in the table below.

	Number of accused, 1996	Number of accused, 2000
Capital crime	1,224	4,138
Serious crime	65	151
Economic crime	935	1300
Petty crime	969	1331
Total	3193	6920

Not surprisingly the trends in crime rates for each category of crime reflect changes in crime incidence with smaller increases with respect to capital (5%) and serious crimes (23%) and more significant increases for economic (66%) and petty (55%) crimes. Nevertheless these increases in crime rates must be taken particularly seriously.

22.2 Part II The Actual Situation

Efficiency and effectiveness was not sufficiently covered in the survey due to difficulties in accessing information. It was, however, determined that the total budget for the JLOS, adjusted for inflation, has increased from 56.9 to 68.3 Billion Shs for the period, a 20% percent increase over five years whereas the development budget's proportion of the total budget did not change over the period, ending at a low 6.6%.

During the same period, the expenditure per capita in the JLOS, adjusted for inflation, increased by only 7%.

The very moderate changes in expenditure for the sector needs to be seen in the light of the development in reported crime increasing from 51,277 to 84,914, or 65.6%, much higher than the increase in expenditure.

In terms of efficiency and effectiveness the Consultant also looked at case loads and case management. It was found that the optimum caseload in Police has been established to be 12 cases per officer but that in 1996 it was 26.5 and in 2000 37, exceeding the target by 208%.

The average caseload for State Prosecutors and State Attorneys were calculated at 59 for a two months period in the year 2002.

Significant and positive in relation to the Courts of Judicature was the figure for cases handled by all courts increasing by 41% from 1999 to 2000 while the number of cases that ended with a sentence increased by an even higher percentage, 91%. On the other hand, the backlog for surveyed courts, High Courts, Chief Magistrate Courts and Grade I Magistrate Courts were considerable and cause for great concern.

There has also been a worrying increase, in the same period, of more than 70% of cases being dismissed. The very high number of dismissed cases, rather than disposed of on merit is very problematic. It is a general sign of weakness in the investigative, prosecutory and adjudicative processes.

It has to be remembered that defilement cases constitute a large part of the congestion of the system and 50% of all Capital Cases.

No JLOS Institution has an integrated information management system designed to generate reports that can be used for analysing crime incidence, trends, costs and constraints.

With regard to *access to justice* it was found that physical resources in the form of vehicles, office equipment and even buildings were reportedly inadequate. The survey also revealed that the allocation of resources (police vehicles) and staff is skewed towards the central region. E.g.: 76% of police vehicles and 67% of police staff are in Central region, in spite of the fact that most crime is reported in the West.

Looking at the number of staff for the major institutions, per 1 million inhabitants, reveals that Central also has the highest numbers of State Attorneys, State Prosecutors, High Court judges, Chief Magistrates and Grade I Magistrates per 1 million inhabitants. The only exception is the Grade II Magistrates, much better represented in the West and the East than in Central. At the other end of the scale we found the North with the lowest overall representation, ranking second lowest in 4 of the 6 staff categories and lowest in the remaining 2.

It was found that the LC Courts have the advantage of being accessible geographically, culturally and linguistically. They are cheaper and quicker than the formal legal system. Most of those questioned said they felt more comfortable going to the LC with their problems than to the Police and Courts.

Fragmentary information underlines the fact that access to and quality of justice are well below optimum. In particular the poor do not have access to legal aid or good legal representation in the Courts.

To gauge the *actual quality of justice*, responses from Household Informants that had had dealings with the JLOS institutions were extracted and analyzed in this Part II. It was revealed that only approximately half of all crimes were reported to the Police and reflected in the crime statistics. This is one of the key findings of the survey.

Otherwise, the percentages having the view that the JLOS institutions were good or bad did not differ from those who had never dealt with JLOS institutions directly (see Part III for details on End User Perceptions).

The Ugandan Prisons have a constant population of around 15,000 prisoners even though they are only approved for 8,530 prisoners. Ugandan Prisons have an authorized establishment for uniformed staff of 8,090, but has a constant number of staff in the period covered of approximately 2,500. The prisoner to warden staff ratio (including all staff in the Warden category) was calculated at 9.2 for the year 2000. If calculated based on wardens of the most common ranking, the ratio will increase.

The Human Rights Commission and NGOs have also documented a range of breaches of human rights by Police and Prisons, of which the most serious is unlawful deprivation of liberty. The cases investigated also include cruel and inhumane treatment in prisons.

22.3 Part III End User Perceptions

Participants in the household survey singled out the Police among the JLOS Institutions to be perceived as the worst performer and offender with respect to access and quality of justice. Wealth was considered crucial to how complainants, suspects and offenders were treated by not only the Police but to a greater or lesser extent by all the JLOS Institutions. It was thought that those arrested, on remand or sentenced, could buy better treatment or even their freedom. It was alleged that the rich were able to manipulate the system in their favour and sometimes deliberately use their financial strength to ensure the denial of rights to others.

In general informants were moderately satisfied with the overall work efficiency of all JLOS Institutions, particularly the LC Courts. Below are the regions having the lowest and highest percentage of satisfaction with JLOS overall work efficiency by institution.

Police efficiency:

- *Western Region (32%)*
- *Northern Region (70%)*

Prisons' efficiency:

- *Central Region (47%)*
- *Northern Region (65%),*

Magistrates Courts' efficiency::

- *Northern Region (59%)*
- *Western Region (76%)*

LC Courts' efficiency:

- *Eastern (96%), Western (100%)*

The speed at which Police respond to crime reports and handle investigations was perceived to depend on the nature of the crime, the location of the crime and to some extent those involved. Between 36% in the West, and 61% in the North thought the Police are fast where serious crimes were concerned. Dissatisfaction was most notable in the West where less than 10% were of the view that Police were fast or very fast in effecting arrests in cases of assault.

75% found that Courts were "slow" or "very slow" in their disposal of serious cases and more than 55% in cases of theft or assault.

Respondents' perceptions of the regulatory framework revealed that they were more prepared to support liberal views in the confidentiality of a questionnaire interview than when in a group situation. There were some regional differences in responses, but between 20 and 44% were in favour of abolishing the death penalty, between 67 and 76% were in favour of introducing community service. On decriminalisation, between 43 and 58% were in favour of decriminalising adultery, 46 and 67% prostitution, 51 and 76% homosexuality and between 15% and 50% being idle and disorderly.

The vast majority of the respondents said that they were within 5 kms of a Police post. In the case of Prisons distances were naturally much greater. 50% and more of respondents claim to live within 5 kms of a court.

With respect to the cost of accessing services a majority found that it costs them nothing, while a minority was of the opinion that cost prevented them from accessing JLOS services. On the other hand, there was consensus that the poor were at a disadvantage in their dealings with JLOS institutions largely because of "hidden" costs such as payment to transport officials or to open files.

A majority (between 53.5 and 72%) of the respondents were of the opinion that suspects and offenders are treated "badly" or "very badly" and a slightly lower percentage that also complainants are treated "badly" or "very badly".

Between 69.5% and 83% consider that Police detain suspects beyond statutory periods. Only a few found that Police adhere to the 48-hour detention stipulation.

The majority found that JLOS Institutions discriminate on the basis of ethnicity, wealth and as a result of bribery. In all regions the respondents reported the Police to be the most discriminatory institution followed by Prisons and Courts. Between 89% and 99% of respondents thought that Police discriminate as a result of bribery.

23 Conclusions

23.1 Part I Crime Statistics

The increase in reported crime in the period covered by the Survey must give cause for concern. The more or less constant rise in the number of crimes reported, and the crime rate is an indication that the JLOS is getting further away from its objective of enabling all people in Uganda to live in a safe and just society. The incidence of serious crime, economic crime and petty crime have all increased significantly.

The registration of crimes is not optimal. The Consultant has experienced gaps in the reporting from Police Regions. Furthermore, there are areas where registration could be improved for statistical/sociological and management purposes.

The seeming over-representation of urban based crime can be explained to some extent by the larger presence and proximity of Police in urban areas. Other substantive factors include the migration from rural to urban areas, the density of population in urban areas and the higher prevalence of wealth symbols in urban areas.

Even though males outnumber females by 20 times as suspects, there is a recent decrease in number of male arrests while the study documents a small but steadily increasing trend in the number of female accused and, even more worrying, rapidly mounting numbers of cases involving female juvenile accused.

The Consultant finds that the very high and increasing number of all juveniles being accused of crimes needs urgent attention. .

23.2 Part II The Actual Situation

Perhaps the most important of all observations in Part II was the finding that only around 50% of all crimes are reported to the Police. In other words, the number of actual crimes committed could be twice as high as the number of crimes reported, and captured in part I of the survey.

All interviewed in the JLOS Institutions complained over insufficient staff and a large number of vacancies. Moreover, it was clear that the available staff were irrationally and inequitably distributed. Physical resources in the form of vehicles, office equipment and even buildings were also reportedly inadequate. Inadequate financial resources to operate are further compounded by the lack of vehicles. The lack of adequate transport adversely affects the performance of all JLOS Institutions.

There has been an increase in real terms in expenditure in the JLOS over the years covered by this survey, but this has not matched the rising in the crime rate, in some categories to a very serious degree. In addition the increase in per capita expenditure has been minimal.

Consequently case loads for all JLOS Institutions are excessively high, staffing is largely below established strength and there is a continuing backlog of cases in the Courts, most especially the High Court.

The JLOS is congested and Courts cannot cope with the volume of cases. The large number of persons on remand proves that there continues to be a huge backlog.

The absence of an integrated functional management information system is making it hard for Management to coordinate and make strategic decisions.

Defilement cases constitute a large part of the congestion of the system. There are in the Consultant's opinion too many variances in the nature of the crimes that are lumped together under the heading of defilement.

The Human Rights Commission and NGOs have documented a range of breaches of human rights by Police and Prisons, of which the most serious is unlawful deprivation of liberty. The cases investigated also include cruel and inhumane treatment in prisons.

23.3 Part III End User Perceptions

Access is inhibited by cost rather than distance from JLOS units. Cost of access includes a number of elements most of which are arbitrarily determined by JLOS personnel. Another problem is the manner in which JLOS personnel deal with complainants, suspects and offenders.

Access is also complicated by lack of knowledge and understanding of e.g. the penal code, bail and bonding requirements, sentencing in case of morality crimes or even definitions of offences. An exception is the clarity of Prisons' administration of visiting rights.

The LC Courts are a much preferred alternative dispute mechanism in rural areas.

Perceptions of the quality of justice point to consistent, widespread violations of human rights that are abetted by the complacency and apathy of the public. From the information collected through interviews it was clear that there are frequently serious abuses of human rights.

The perceptions of JLOS treating complainants and suspects badly or very badly, also being open to bribes and other discriminatory practices, further underlines that the JLOS is moving away from its objective of enabling promoting and protecting human rights.

The Consultant is concerned with the ambiguous status of Local Administration Police and Local Government Prisons.

24 Recommendations

Based on the above findings, comments and conclusions, the Consultant recommends the following:

1. Database and Information

- ☞ To establish a unified national system of crime reporting that will facilitate tracking and analysis of cases, suspects and offenders in a comprehensive manner, that includes sufficient parameters to allow for sociological and criminological studies as well as providing a basis of policies, plans and strategies. This implies redrafting of Form 1 to include employment status of all suspects and to reflect the criminal age of responsibility and a system of identification to link it with databases in other JLOS Institutions. See also section 2 on Efficiency and Effectiveness regarding management information systems.
A national system of crime reporting should be closely linked to targets and indicators developed by the sector. The developing of targets and indicators are recommended below.
- ☞ To undertake a case study to assess the reliability of the information currently recorded by the various police stations by visiting samples of police stations in the different regions.
- ☞ To undertake a separate study on the rising trend in crime to determine factors that effect the trend and whether specific preventive measures could be undertaken. Particular attention should be given to the rise in serious and economic crime in Central Region. The study must, to achieve a more detailed picture of the development in the crime, focus on specific types of crime and not categories of crime.
- ☞ To monitor, review and assess changes in the ratio of male/female suspects over the coming years and if the present trend continues undertake a study to establish the reasons for such development;
- ☞ To undertake a study on juveniles' involvement in crime;

2. Efficiency and Effectiveness

- ☞ To develop targets and identify indicators against which outputs, outcomes and impact may be measured. It is recommended that a study be undertaken involving all the institutions in the sector to develop targets and indicators.
- ☞ To develop an integrated management system for JLOS that will permit routine monitoring and evaluation of specific parameters including costs.
- ☞ To ensure a more strategic investment in the sector to make efficient and effective use of the limited available funds. It is recommended that a study is undertaken to identify alternative solutions in terms of adjusting costs to achieve substantive gains in JLOS reform.
- ☞ To further review the options for an even more efficient co-operation among the institutions in the sector. In a sector where the overall outputs are so dependent on the efficient co-ordination between the institutions, a close co-operation must have the highest priority. The nature of the closer co-operation shall ultimately be derived from the targets set by the sector, as suggested above.

3. Access to Justice

- ☞ Resources of JLOS Institutions should be disposed to reflect crime incidence and crime rates and also the particular nature and problems of crime by region and district. The disposing of resources would be closely tied to the development of targets for the sector and the development of management information systems.
- ☞ All JLOS Institutions to develop strategies and initiate projects and programmes to combat the widespread and widely accepted corruption of officials, including making information more readily and publicly available and visible on human rights as they affect their operations.
- ☞ That the age of consent is lowered and/or there should be a gradation in the definition of the crime defilement so that consensual sex can be differentiated from the use of force or authority. The former could be prosecuted as a less serious crimes;
- ☞ The possibility of establishing a centrally placed data centre for collection of statistical information on crime should be reviewed. It is also recommended that the sector reviews the costs and benefits of establishing a Criminological Institute.
- ☞ The Local Court system should be strengthened and more powers devolved on them. This of course also implies extensive training and education and support from the formal Court system as well as from the Ministry of Local Government.
- ☞ Although there seems to be a widespread acceptance of decriminalizing minor and morality crimes and of limiting the offences for which the death penalty is prescribed, further review is required in order to ensure that proposed changes are in keeping with social norms and values.
- ☞ To assess the cost of naming and sign posting all roads in major cities and towns, to prepare maps of all major cities and towns for the purpose of easing Police access to sites of crime.

4. Quality of Justice

- ☞ More emphasis should be placed on civic education for all
- ☞ Consideration should be given to Ombudsmen or citizen's advice bureaux in every District to provide information and to assist with appeals. Alternatively or to begin with, posters to be developed and displayed in all police and court stations which clearly spells out citizen rights vis a vis the JLOS.
- ☞ The scope and responsibilities of the Probation Department should be reviewed and the staff establishment enlarged so that they can more effectively complement and support Police, Courts and Prisons in the management of suspects and rehabilitation of offenders.