

Outcomes	Outputs	Indicators	Baseline 2010/11	Targets 2016/17	Means of verification	Responsibility centre
2.3 Improved effectiveness to meet service delivery standards		• Reduction in average case load for targeted JLOS officers (Judiciary, CID, DPP)		50%	quarterly report and M&E reports	Judiciary UPF DPP MIA
		• Proportion of LCCIII monitored annually	TBC	50%	quarterly report	MOLG
		• %reduction in appeals from LCC referred for retrial	TBC	30%	M&E reports	Judiciary
		• Proportion of backlogged cases in the system	35%	20%	M&E report	Judiciary, TAT, LC, JSC
		• Conviction rates	49%	55%	quarterly report	DPP
		• Proportion of police regions with functional fire stations	42%	100%	M&E reports	UPF
		• Average time spent in detention by children before sentencing	TBC	3months	quarterly report	MOGLSD
2.4 User empowerment services		• Proportion of cases settled through ADR	TBC	30%	quarterly report	Judiciary CADER
		• Number of laws translated and simplified annually	2	2	quarterly report	ULRC
2.5 Vulnerability profiled and discrimination in access eliminated		• Proportion of juveniles resettled upon release	TBC	80%	quarterly report and M&E reports	MOGLSD
		• Increase in cases registered and disposed by LCC	TBC	27%	quarterly report	MOLG
		• Proportion of small claims settled within set time standards	TBC	80%	quarterly report	Judiciary
		• Number juveniles arrested per 100,000 of the child population	TBC		quarterly report	UPF

Outcomes	Outputs	Indicators	Baseline 2010/11	Targets 2016/17	Means of verification	Responsibility centre
		<ul style="list-style-type: none"> <li>% of juveniles diverted from formal judicial proceedings</li> </ul>	TBC	75%	quarterly report M&E reports	UPF, LDC
		<ul style="list-style-type: none"> <li>Proportion of juveniles receiving non custodial sentences</li> </ul>	TBC	85%	M&E report, Bi annual surveys	Judiciary , JLOS secretariat
		<ul style="list-style-type: none"> <li>Number of children on remand per 100,000 child population</li> </ul>	TBC		quarterly report	MOGLSD/UPF
2.6 Capacity to prevent and respond to crime enhanced		<ul style="list-style-type: none"> <li>Increase in number of cases diverted after investigations</li> </ul>	TBC	25%	quarterly report	LDC
		<ul style="list-style-type: none"> <li>Adult rates of recidivism</li> </ul>	28%	23%	quarterly report	UPS
		<ul style="list-style-type: none"> <li>Juvenile rates of recidivism</li> </ul>	TBC	TBD	quarterly report	MOGLSD
		<ul style="list-style-type: none"> <li>% of convicts on formal adult literacy programmes</li> </ul>	1340	6000	quarterly report	UPS
		<ul style="list-style-type: none"> <li>% of prisoners engaged in rehabilitation programmes</li> </ul>	3400	6000	quarterly report	UPS
		<ul style="list-style-type: none"> <li>Increase in police to population ratio measured against the baseline</li> </ul>	1:709	1:650	quarterly report	UPF
		<ul style="list-style-type: none"> <li>Prisoner warder ratio</li> </ul>	1:4.5	1:3	quarterly report	UPS
		<ul style="list-style-type: none"> <li>Number of illicit guns recovered and destroyed</li> </ul>	TBC	TBD	quarterly report	MIA
		<ul style="list-style-type: none"> <li>Reduction in illegal entry in the country</li> </ul>	TBC		quarterly report	DCIC
		<ul style="list-style-type: none"> <li>Number of petty offenders sentenced to community service annually</li> </ul>	9000	15,000	quarterly report	MIA

Outcomes	Outputs	Indicators	Baseline 2010/11	Targets 2016/17	Means of verification	Responsibility centre
2.7 Access to transitional justice enhanced		• Disposal rate of cases in post conflict areas	TBC	TBD	JLOS quarterly report	Judiciary , UPF and DPP
		• No of witnesses supported	TBC	TBD	JLOS quarterly report	DPP UPF Judiciary
2.8 Legal aid policy and law implemented		• Proportion of persons in need of legal aid accessing legal aid services	TBC	80%	JLOS quarterly report	ULS. Law Council LDC
		• Proportion of Judiciary non wage operational budget spent on state brief per year	1%	3%	quarterly report	Judiciary
OUTCOME 3. OBSERVANCE OF HUMAN RIGHTS AND ACCOUNTABILITY PROMOTED						
3.1 Human rights observance in JLOS institutions		• Compliance with human rights obligation	TBC		quarterly report	
		• Proportion of police units with functional Human Rights Committees	TBC		Inspection reports	Inspectors forum
		• Proportion of prisons units with functional Human Rights Committees	77.5%	100%	quarterly report	UPS UHRC
		• Proportion of prison units that have eliminated the bucket system in prisons	44.8%	100%	quarterly report M&E reports	UPS, UHRC, Inspectors forum
		• Annual count of estates of deceased persons managed by the Administrator General (AG) and wound up	6	80		MOJCA
		• Increase in holding capacity of prisons	14,421	30%		UPS

Outcomes	Outputs	Indicators	Baseline 2010/11	Targets 2016/17	Means of verification	Responsibility centre
		<ul style="list-style-type: none"> <li>Annual count of cases of human rights violations disposed by tribunals</li> </ul>	266	530	UHRC annual report	UHRC
		<ul style="list-style-type: none"> <li>Proportion of cases of human rights violations disposed through mediation</li> </ul>	64%	75%	UHRC annual report	UHRC
		<ul style="list-style-type: none"> <li>Compliance with the 48hr rule</li> </ul>	85%	90%	Inspection reports and UHRC annual report	UHRC, Inspectors forum
	3.2 External JLOS accountability promoted	<ul style="list-style-type: none"> <li>incidences of torture in places of detention</li> </ul>			UHRC report	UHRC
		<ul style="list-style-type: none"> <li>Mortality rate in places of detention</li> </ul>	2.4/1000	1/1000	UPS quarterly reports	UPS
	3.3. JLOS internal accountability promoted	<ul style="list-style-type: none"> <li>Proportion of entitled staff with access to house and clean water in police</li> </ul>	40% (2009)	60%	UPF quarterly report	UPF
		<ul style="list-style-type: none"> <li>Proportion of institutions with functional performance management systems</li> </ul>				
		<ul style="list-style-type: none"> <li>Proportion of inspector's forum recommendations enforced</li> </ul>				
		<ul style="list-style-type: none"> <li>Proportion of staff with access to house and clean water in prisons measured as a % of the baseline</li> </ul>	66%	75%	Ups quarterly reports	UPS
	3.4. Anti corruption measures in JLOS adopted	<ul style="list-style-type: none"> <li>JLOS anti corruption strategy implemented</li> </ul>			JLOS quarterly report	All MDAA
		<ul style="list-style-type: none"> <li>Proportion of complaints against judicial officers disposed of compared to registered</li> </ul>	12%	65%	JSC quarterly report and the public complaints system	JSC
		<ul style="list-style-type: none"> <li>Disposal rate of corruption cases</li> </ul>	60.8%	75%	Quarterly Court statistics	Judiciary
		<ul style="list-style-type: none"> <li>Incidences of reported cases corruption by JLOS officers</li> </ul>	TBC		JLOS Quarterly report	All MDAA
	Accountability in transitional justice promoted					

# Activity Appraisal Document Support to JLOS-II

**Save / Generate**

Explanation of the policy data can be found in the glossary attached to this document

<b>Activity number</b>	27725		
<b>Name of activity</b>	Earmarked support to JLOS SWAp fund to implement the last two years of the Third Strategic Investment Plan (SIP III) – 2015-17		
<b>Brief description</b>	Support to the Justice, Law and Order Sector		
<b>Budget holder</b>	KAM		
<b>Date of receipt of application</b>	Activity Appraisal support to JLOS was done in 2012, covering SIP III 2012/13 – 2016/17. In 2014 Dutch support was suspended and in May 2015 R decided to resume Dutch support but under another arrangement (reduced budget and earmarked funding). The present Activity appraisal is necessary to include also FY 2016/17 that was not part of the Activity Appraisal approved in 2012.		
<b>Implementing organisation(s)</b>	JLOS		
<b>Legal relationship</b>	Arrangement		
<b>Commitment in foreign currency (if applicable)</b>	n.a.		
<b>Corporate rate</b>	UGX: 0,000292		
<b>Commitment in euros</b>	Euro 2.000.200		
<b>SBE</b>	0610S23		
<b>Activity start date</b>	1 September 2015		
<b>Activity end date</b>	30 June 2017		
<b>Contract start date</b>	1 September 2015		
<b>Contract end date</b>	1 January 2018		
<b>Aid modality</b>	Other programme aid		
<b>Donor role</b>	Lead or active donor		
<b>Technical assistance</b>	N.a. Not applicable		
<b>Beneficiary's country/region</b>	Uganda		
<b>Countries within the region (if applicable)</b>	Uganda		
<b>Location within the country</b>	Territory	<b>Name lo-</b>	Nationwide

<b>(be as specific as possible)</b>		<b>cation(s)</b>	
<b>CRS Code</b>	15130		
<b>Policy marker weight is 'principal'</b>	Rechtsorde		
<b>Policy marker weight is 'significant'.</b>	Accountability en service delivery		
<b>Special pledges made by the Minister or State Secretary</b>	n.a.		

## **II. ACTIVITY APPRAISAL**

### **2.1 Contribution made by the activity to BZ policy objectives (policy relevance)**

#### **2.1.1 Description policy relevance**

#### **2.1.2 Appraisal**

<b>No.</b>	<b>Criteria 2.1 Policy relevance</b>	<b>Indicators ( score 0, 1, 2)</b>	<b>Score</b>	
2.1.1	The proposed intervention ties in with the operational objectives in the Explanatory Memorandum and the related policy memorandum (policy theory and intervention logic).	<input checked="" type="checkbox"/> <p>The proposed intervention ties in with both the main objective and the secondary objectives .</p>	2	
2.1.2	The proposed intervention ties in with the ODA priorities	<input checked="" type="checkbox"/> <p>The proposed intervention ties in with more than one of the result areas of the BH&amp;OS priorities.</p>	2	
2.1.3	The proposed intervention ties in with the annual plan and the result chain of the MIB/MASP	<input checked="" type="checkbox"/> <p>The intervention is specifically mentioned in the result chain of the MIB/MASP.</p>	2	
2.1.4	The relevance of the proposed intervention to the crosscutting themes of women's rights and gender equality / climate / PSD / coherence and strengthening of civil society organisations	<input checked="" type="checkbox"/> <p>The proposed intervention is relevant to more than one of the crosscutting themes.</p>	2	
Total score (maximum 8 out of 8 points)			8	
<b>EXPLANATION/REFERENCES</b>  See also Bemo 2012: the SIP III has been assessed in 2012 and has not been changed since then. The present Bemo is necessary because the Bemo 2012 covers implementation SIP-III till June 2016 and the re-engagement with the sector covers 2015 – 2017 till the completion date of SIP-III, i.e. 30 June 2017.  In addition, the former Dutch contribution was non-earmarked; in the present set-up, Dutch funding is earmarked and will be allocated to the following 5 JLOS institutions: the Uganda Human Rights Commission (UHRC), the Uganda Law Society (ULS), the Law Development Centre (LDC), the Uganda Law Reform Commission (ULRC) and the Judicial Service Commission (JSC)				

## **2.2 Problem analysis and lessons learned**


### **2.2.1 Description**

As maintaining rule of law and delivering justice are key tasks of a state, the problem analysis of the MASP 2012-16 identifies support to the JLOS as one of its main strategies to contribute to the overall goal of the cluster: to enhance a safe, just and pluralistic society. The other track is supporting the strengthening of civil society to hold government institutions, including the JLOS institutions, accountable for corruption and human rights violations, to increase the democratic space, and to provide legal aid to poor and vulnerable groups. This is done through contribution to the Democratic Governance Facility.

This two-track approach has proven to be quite effective: both JLOS and DGF are delivering results as documented and substantiated in the different progress reports, external evaluations and performance assessments. At the same time, it needs to be noted that there remain serious challenges to be addressed during the remaining two years of SIP-III (administration of justice, effectiveness of legislation, quality of legal services, transparency and corruption within the sector, transitional justice, woman rights, etc.).

### **2.2.2 Appraisal**

<b>No.</b>	<b>Criteria 2.2</b>	<b>Indicators (score 0,1,2)</b>	<b>Score</b>	
	<b>Contextual analysis</b>			
2.2.1	The proposal is based on a careful and thorough contextual analysis, from which a logical problem definition and objective are generated.	<input checked="" type="checkbox"/> The proposal is based on a careful and thorough analysis and results in a logical problem definition and objective.	2	
2.2.2	Based on the problem formulated, the proposal explains in a logical manner why the intervention is aimed at the specified geographical location.	<input checked="" type="checkbox"/> The proposal gives a realistic explanation of why the intervention is aimed at the specified geographical location and substantiates this with	2	
2.2.3	The proposal justifies the choice of target group.	<input checked="" type="checkbox"/> The proposal clearly justifies the choice of target group.	2	
2.2.4	The proposal sets out which relevant actors were involved in formulating the proposal and what influence they had on the content of the proposal.	<input checked="" type="checkbox"/> The proposal sets out the involvement of actors, both in formulating the proposal and in the proposed intervention (including its management).	2	
2.2.5	A stakeholder analysis (incl. women and youth) has been carried out and	<input checked="" type="checkbox"/>	2	

	the results incorporated in the proposal.	The proposal sets out who has a stake in the programme/project and details their relative interests.		
2.2.6	The proposal describes how the results of evaluations and/or studies feed into formulation of the proposal.	 <p>The proposal clearly sets out how results from evaluations and/or studies contributed to formulation of the proposal.</p>	2	
Total score (maximum 12 out of 12 points)			12	

## **2.3 Objectives (outcomes), results (outputs), activities and resources, based on the SMART principle**

### **2.3.1 Description**

The support is to the Justice Law and Order Sector (JLOS) SWAp Fund towards the implementation of the third sector wide development programme, the Strategic Investment Plan (SIP III) 2012/13-2016/17 for the Justice Law and Order Sector (JLOS), see appendix 2. The SIP III was designed to further deepen and broaden access to justice through:

- 1) Strengthening of the policy, legislative and regulatory framework;
- 2) Enhancing access to JLOS services particularly for poor and marginalised groups; and
- 3) Promoting observance of human rights and accountability.

The overall goal of the sector is to promote the rule of law, with the envisaged outcome (impact level) that in 2017 70% of the population will be satisfied with JLOS services compared to 60% in 2010, and public confidence in the justice system has increased from 34% in 2008 to 50% in 2017.

#### **Ad 1) Strengthening of the policy, legislative and regulatory framework:**

- Evaluate, investigate and fast track the enactment and enforcement of priority laws and regulations, while giving special preference to laws that promote gender equality; Examples include: Witness Protection Law and Guidelines; Guidelines for Prosecution of Sexual and Gender-based crimes; National Transitional Justice Policy and laws, including a legal framework on truth-telling, national reconciliation, traditional justice mechanisms and reparations;
- Conduct pre-legislation and post-regulatory impact analysis on priority laws;
- Develop a national framework for the practice of 'informal' systems of justice to ensure conformity with human rights standards and a seamless co-existence of the formal and informal justice systems; Carry out pilot studies in land, family and transitional justice to deepen understanding of the informal justice systems;

#### **Ad 2) Enhancing access to JLOS services particularly for poor and marginalized groups:**

- Develop, adopt and implement a sector wide Infrastructure Development Plan in which 'JLOS districts' are created based on population and distance to existing JLOS services;
- Develop, adopt and implement a sector wide Capacity Development Strategy including Human Resources development, infrastructure development, information systems development, gender and diversity responses, and leadership development among others;
- Make legal advice and representation available and accessible to all those who need it through the development, adoption and implementation of the National Legal Aid Policy and Strategy; Strengthen the pro-bono function of the Uganda Law Society;
- Fast track the investigation, prosecution and adjudication of Sex and Gender Based Violence (SGBV) and Domestic Violence (DV) cases;

#### **Ad 3) Observance of Human Rights and Accountability promoted:**

Review, develop and publicize harmonized transparent, fair, efficient and non-costly institutional and individual accountability mechanisms for violations of human rights;

- Investigate, prosecute and adjudicate corruption related cases both internal and external to JLOS;
- Develop, adopt and implement National Human Rights Action Plan; Establish a sector Human Rights Coordination Office in Ministry of Justice and Constitutional Affairs;
- Secure institutional independence and minimize extra-legal interference; Make public information related to institutional policies, rules and procedures, and operational and budgetary information; Ensure internal policy dialogue on behavioural reforms and accountability for increased professionalism and service delivery;
- Strengthen the inspection function; Strengthen internal audit function and support JLOS Audit Committee;
- Implement performance management systems in sector institutions;
- Adoption of a policy on reparations for victims of the LRA war and other conflicts;

See Annex 1: results framework

Since the start of SIP III in 2012, annual (semi)reports have been published by JLOS on progress and results. These reports have been jointly assessed by the JLOS Development Partners. The reports clearly show that the sector is slowly moving into the right direction; in general, progress has been satisfactory (see: [www.jlos.go.ug/](http://www.jlos.go.ug/)): performance of the 17 JLOS institutions has improved significantly in terms of access to services, facilities and capacity. At the same time, serious challenges in the sector remain such as transparency, corruption, efficiency and quality of services.

The current SIP III is assessed to be a fairly comprehensive programme, addressing the right bottlenecks in the sector. However, during the first years of implementation weak elements have been identified: an insufficient application of the M&E Framework by some of the JLOS institutions (reporting has not been fully harmonized with the existing targets and indicators in the M&E framework; some tables lack information on targets especially relating to Ministry of Local Government and Ministry of Gender, Labor and Social Development); Anti-corruption strategies have still not been developed and operationalized by all JLOS institutions; there has been no significant progress on improving the legal and policy environment, e.g. the number of bills enacted are relatively low while several others are still at draft stage and enforcement processes are not being concretely aligned to SIPIII targets; and policies such as on transitional justice or on legal aid, that are supposed to be implemented during the five year period of the SIP III are still pending Cabinet's approval. Under the SIP III outcome 3 (Human Rights & Accountability) strategies of implementation are not clearly defined; having the problematic area of human rights grouped together with the equally problematic area of accountability remains a challenge. The planned mid-term review of SIP III (process ongoing) would help to address some of the challenges that are hindering the implementation of SIP III.

### 2.3.2 Appraisal

No.	Criteria 2.3  Outcomes, outputs, activities and resources based on the SMART principle	Explanation of score (1 point per indicator)	Score	
2.3.1	The objectives at outcome level are clearly formulated, fall within the proposal's span of influence and are realistic. The outcomes follow logically from the problem formulated.	<input checked="" type="checkbox"/> The outcomes are specifically formulated. <input checked="" type="checkbox"/> The objectives follow logically from the problem formulated.  <input checked="" type="checkbox"/> The objectives fall within the proposal's span of influence and are realistic (taking account of its duration and local circumstances). <input checked="" type="checkbox"/> The objectives are acceptable to the target group and other stakeholders.  <input checked="" type="checkbox"/> The objectives formulated are realistic bearing in mind the scope of the activities and the capacity of the (local) organisation(s).	5	
2.3.2	Progress in achieving the outcomes can be determined objectively on the basis of measurable performance indicators.	<input checked="" type="checkbox"/> Relevant performance indicators have been formulated for each outcome.	3	

		<p>A baseline measurement and a measurable target (quantitative and/or qualitative) have been formulated for each performance indicator.</p> <p>The verification method (the means by which data is collected and the sources of that data) is realistic and feasible.</p>		
2.3.3	The outputs formulated are concrete and fall within the proposal's span of control. The outputs follow logically from the outcomes formulated.	<p>The project proposal is divided into clear phases, each having concretely formulated outputs.</p> <p>The outputs are specific.</p> <p>There is a clear link between the outputs and the out-comes, i.e. the outputs can be expected to contribute to achievement of the outcomes.</p> <p>The outputs are acceptable to the target group and other stakeholders.</p> <p>The outputs formulated are realistic bearing in mind the scope of the activities and the capacity of the (local) organisation(s) .</p>	5	
2.3.4	Progress in achieving the outputs can be determined objectively on the basis of measurable performance indicators.	<p>Relevant performance indicators have been formulated for each output.</p> <p>A baseline and a measurable target (quantitative and/or qualitative) have been formulated for each performance indicator.</p> <p>The verification method (the means by which data is collected and the sources of that data) is realistic and feasible.</p>	3	
2.3.5	There is a logical link between the proposed activities and the outputs formulated.		1	

		<p>The proposal sets out the nature of the activities and explains how the activities formulated will contribute to achieving the outputs.</p> <input checked="" type="checkbox"/>		
2.3.6	There is a logical link between the activities and the project budget (efficiency).	<p>The budget is supported by figures on price and quantity (p x q).</p> <input checked="" type="checkbox"/> <p>The budget is broken down by output and/or outcome.</p> <input checked="" type="checkbox"/>	2	
2.3.7	When the activity ends, its envisaged outputs will have a lasting effect for the ultimate target group.	<p>The proposal contains a clear vision (with objectives) as to how the activities will be continued when the intervention comes to an end.</p> <input checked="" type="checkbox"/> <p>To achieve these objectives, specific measures will be taken during implementation of the activities to ensure that the target group will help continue the activities.</p> <input type="checkbox"/> <p>The proposal includes a transition plan or exit strategy, identifying the various actors.</p> <input type="checkbox"/> <p>The proposal contains suitable criteria against which progress in continuing the activities can be measured.</p> <input checked="" type="checkbox"/>	2	

2.3.8	At the end of the activity, the envisaged outputs will have a lasting effect on the local partners.	<p>The proposal contains a clear vision (with objectives) as to how the quality of the activities and/or financial independence of the local partner will be enhanced.</p> <p><input checked="" type="checkbox"/> To achieve these objectives, specific measures will be taken during implementation of the activity.</p> <p><input checked="" type="checkbox"/> The proposal devotes attention to the capacity of the local partner to generate income from various sources.</p> <p><input checked="" type="checkbox"/> The proposal sets out suitable criteria against which progress in regard to institutional sustainability can be measured.</p>	4	
Total score (maximum score 27 points)			25	
<b>EXPLANATION/ REFERENCES:</b> The design of SIP-III and its M&E/results framework is SMART. However, since its implementation, it has proven to be a real challenge for the JLOS Secretariat to systematically report (semi) annually on results against targets and/or baselines; the process continues to need close monitoring and high level policy dialogue from the side of the Development Partners with the sector.				

#### **2.4 Cooperation, harmonisation and added value**

The activity has received Dutch support previously. It is part of multi-donor funding (Ireland, Sweden, Denmark, Austria and – in the near future – the EU. Our support will be earmarked. Reporting, monitoring and evaluation are harmonized. The Netherlands has a good RoL reputation and hence strong political leverage.

In addition to the joint monitoring, the Netherlands Embassy will carry out in coordination with the JLOS Secretariat, detailed and close monitoring of the annual results and achievements at the level of each of the 5 Dutch supported JLOS institutions.

#### **2.5 Channel and aid modality (including alignment)**

The chosen aid modality is appropriate. Earmarking allows us to opt-out for those JLOS institutions that might get involved in discriminatory legislation (see Memo DAF to R, 23-04-2015). The degree of financial and policy alignment is substantiated. The chosen aid modality/channel has proven to be efficient and transparent under the previous contracts. The JLOS receives almost all its budget from GoU; the financial support from development partners is estimated at around 5%.

(11)(1)

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VISION: "To be an effective and efficient Supreme Audit Institution (SAI) in promoting effective public accountability"

MISSION: "To Audit and report to Parliament and thereby make an effective contribution to improving public accountability and value for Money Spent"

IN ANY CORRESPONDENCE ON

**DCG.248/355/01/17**

THIS SUBJECT PLEASE QUOTE NO:.....

**22<sup>nd</sup> December, 2017**

The Rt. Hon. Speaker of Parliament  
Parliament of Uganda  
**Kampala**

**REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THE  
JUSTICE, LAW AND ORDER SECTOR (JLOS) SWAP DEVELOPMENT FUND FOR  
THE YEAR ENDED 30<sup>TH</sup> JUNE, 2017**

In accordance with Article 163 (4) of the Constitution, I forward herewith audited financial statements of the Justice, Law and Order Sector (JLOS) Swap Development Fund for the year ended 30<sup>th</sup> June, 2017 together with my report and opinion thereon.

(10)(2e)

Copy to: The Chairperson  
Public Accounts Committee  
Parliament of Uganda  
**Kampala**

" The Solicitor General  
Ministry of Justice and Constitutional Affairs

" The Coordinator  
Justice, Law and Order Sector Project  
Ministry of Justice and Constitutional Affairs  
**Kampala**





**THE REPUBLIC OF UGANDA**

**REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF**  
**JLOS-SWAP PROGRAMME**  
**FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2017**

**OFFICE OF THE AUDITOR GENERAL**  
**UGANDA**

**REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF**  
**JLOS-SWAP PROGRAMME**  
**FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2017**

**THE RT. HON. SPEAKER OF PARLIAMENT**

**REPORT ON THE FINANCIAL STATEMENTS**

**Opinion**

I have audited the financial statements of the JLOS-SWAP Programme for the year ended 30<sup>th</sup> June 2017. These financial statements comprise of the statement of financial position, the statement of financial performance, and cash flow statement together with other accompanying statements, notes and accounting policies.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Justice Law and Order Sector (JLOS) SWAP Development Fund as at 30<sup>th</sup> June, 2017 and its financial performance for the year then ended in accordance with the requirements of the Public Finance Management Act, 2015 and the accounting policies stated under note 1(a) to the financial statements and the Funding Agreement.

**Basis of Opinion**

I conducted my audit in accordance with International Standards of Supreme Audit Institutions (ISSAIs). My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statement's section of my report. I am independent of the Programme Management in accordance with the Constitution of the Republic of Uganda (1995) as amended, the National Audit Act, 2008, the International Ethics Standards Board for Accountants Code of Ethics for Professional Accountants (Parts A and B) (IESBA Code), the International Organization of Supreme Audit Institutions (INTOSAI) Code of Ethics and other independence requirements applicable to performing audits of Financial Statements in Uganda. I have fulfilled my other ethical responsibilities in accordance with the IESBA Code, and in accordance with other ethical requirements applicable to performing audits in Uganda. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### **Key Audit Matters**

Key audit matters are those matters that, in my professional judgment, are of most significance in my audit of the financial statements of the current period. I have determined that there are no Key Audit Matters to communicate in my report.

### **Emphasis of matter**

Without qualifying my opinion, I draw attention to the following matter described in notes 24 and 25 of the financial statements.

- **Shortfall in Project planned revenue - UGX.6,053,467,456:**

I observed that out of the budgeted revenue of UGX.45,400,000,000, the entity received UGX.39,346,532,544 (86.7%) resulting into a shortfall of UGX.6,053,467,456 (13.3%). Inadequate release of funds affected funding to the 18 implementing agencies thus leading to failure to implement planned activities.

Management explained that the Sector has engaged MoFPED on the issue and a new sector development plan developed and launched. The plan has been costed within the MTEF for the next three years. The sector has also engaged the development partners who have confirmed funding for the SDPIV. The donors that have committed funding to the SDPIV include the EU, Netherlands, Austria, Sweden, UNICEF and UNDP.

I advised Management to continue engaging the relevant stakeholders and ensure that budget deficiencies are addressed so that allocated funds are released.

### **Other Matter**

I consider it necessary to communicate the following matters other than those presented or disclosed in the financial statements:

- **Increase in case backlog in the Judiciary**

A review of planned output on case backlog handling indicated that case backlogs increased by 12.8% overall. Instead of the expected reduction, I noted that outstanding cases by the end of financial year 2016/17 were 133,820 compared to previous year's case backlogs of 118,677. The objective of reducing case backlogs in the judicial system has therefore not yet been achieved. Besides, the escalating case backlog negatively impact on the achievement of the Judiciary mandate.

Management explained that the Judiciary has been working with the other sector institutions on reduction of the case backlog though they are they have a challenge of understaffing in the Judiciary.

I advised Management to put in place special court sessions aimed at clearing the case backlog.

- **Unutilised JLOS Community Centre at Lamwo**

A contract for Construction of the JLOS Community Centre at Lamwo was awarded to a construction company at a sum of UGX.1,418,572,128 in the financial year 2011/2012. During the year a balance of UGX.215,415,788 was paid to the contractor as final certificate for substantial completion of works undertaken. I noted that the project was completed however there has been no official handover of the facility and the building has remained unoccupied and abandoned. Failure to utilise the facility undermines the objective for which the facility was constructed. Besides, non-utilization of the facility may lead to deterioration.

Management explained that the project was handed over in 2015 and awaits the official commissioning. The contractor has also been informed to process the occupations permits.

I advised Management to ensure that the centre is put to its intended use.

### **Responsibilities of the Accounting Officer for the financial statements**

Under Article 164 of the Constitution of the Republic of Uganda, 1995 (as amended) and Section 45 of the Public Finance Management Act, 2015, the Accounting Officer is accountable to Parliament for the funds and resources of the JLOS SWAP Development Fund.

The Accounting Officer is also responsible for the preparation of financial statements in accordance with the requirements of the Public Finance Management Act 2015, and the accounting policies stated under note 1(a) to the financial statements and the Funding Agreement and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatements, whether due to fraud or error.

In preparing the financial statements, the Accounting Officer is responsible for assessing the Programme's ability to continue delivering its mandate, disclosing, as applicable, matters

related to affecting the delivery of the mandate of the Programme, and using the accounting policies stated in note 1(a) to the financial statements unless the Accounting Officer has a realistic alternative to the contrary.

The Accounting Officer is responsible for overseeing the Programme's financial reporting process.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISSAIs, I exercise professional judgment and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Programme's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Programme's ability to deliver its mandate. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions

are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Programme to fail to deliver its mandate.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accounting Officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I also provide the Accounting Officer with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with him/her all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.

From the matters communicated with the Accounting Officer, I determine those matters that were of most significance in the audit of the financial statements of the current period and are therefore the key audit matters. I describe these matters in my auditor's report unless law or regulation precludes public disclosure about the matter or when, in extremely rare circumstances, I determine that a matter should not be communicated in my report because the adverse consequences of doing so would reasonably be expected to outweigh the public interest benefits of such communication.

(10)(2e)

**AUDITOR GENERAL**

KAMPALA

22<sup>nd</sup> December, 2017

## APPENDIX 1

### FINANCIAL STATEMENTS

**GOVERNMENT OF THE REPUBLIC OF UGANDA**



**JUSTICE, LAW AND ORDER SECTOR,  
MINISTRY OF JUSTICE & CONSTITUTIONAL AFFAIRS**

**FINAL**

**FINANCIAL STATEMENTS &  
REPORT FOR THE PERIOD ENDED  
30<sup>TH</sup> JUNE 2017**

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### **Statement of Responsibility of the Accounting Officer**

The financial statements have been prepared in accordance with the provisions of the Public Finance and Management Act, 2015. The Financial Statements have been prepared on the modified cash basis of accounting practice (GAAP) for the public sector.

In accordance with the provisions of Section 45 of the Public Finance and Management Act, 2015, [the Act], I am responsible for the control and personally accountable to Parliament for the regularity and propriety of the expenditure of money applied by an expenditure vote, or any provision funded wholly through the Consolidated Fund, and for all resources received, held or disposed of.

Under the provisions of Section 51 of the same Act, I am required to prepare, sign and submit financial statements to the Minister responsible for Finance, the Auditor General, and to the Accountant General within a period of three months from the end of year financial statements in compliance with the Act. I have provided, and will continue to provide all the information and explanations as may be required in connection with these financial statements.

To the best of my knowledge and belief, these financial statements agree with the books of accounts, which have been properly kept.

I accept responsibility for the integrity of these financial statements, the financial information they contain and their compliance with the Public Finance and Management Act, 2015

(10)(2e)

**Solicitor General,**

**JLOS Institutions – Ministry of Justice and Constitutional Affairs**

## **JLOS Institutions – Ministry of Justice and Constitutional Affairs**

### **Commentary on the Financial Statements by the Head of Accounts**

#### **Financial Performance**

The Sector received a total Shs.41 million from both the donors and the Uganda Government during the year 2016/17. The donor improved their funding compared to last year from 4.4b to 10.6b.

This contributed to a positive performance of Shs **1,072,631,625** for the year under review, compared to a negative performance of shs (6,821,019,552) for the Financial Year 2015/2016.

(10)(2e)

**Project Accountant**

## Key Highlights of the Annual Report

This is the last year of implementation of the SIPIII, and we need to begin preparing for the final evaluation of performance against the commitments made. Financial flows have not been adversely affected and most of the activities in the work plan are on track. However implementing agencies must fast track the implementation of activities and those that cannot be concluded but are important and relevant should be rolled over to the SDPIV as the low hanging fruits. The progress registered over the reporting period is summarised below.

Under the programme of strengthening policy and legal frameworks the sector prepared draft legislations to ensure effective functionality of the justice system. The Local Governments (Amendment) Bill, 2016 was published and enacted into law. The Act paves the way for voting of village and parish local councils. Once elected it is hoped that cases that have been clogging the formal courts will now be handled by the Local Council Courts as provided for in the law.

According to the World Economic Forum Report 2016, Uganda's index of judicial independence improved from a score of 3.41 in 2015/16 to 3.6 in 2016/17. As a result Uganda moved 3 places in world ranking from position 91 in 2015/16 to 89th in 2016/17 out of the 144 countries. This increased independence of the judicial processes in the last two years, is attributed to improved innovations and limited political interference in the judicial process among others.

Awareness programmes were conducted on the Domestic Violence Act, 2010, the Prevention and Prohibition of Torture Act, 2012, Public Order Management Act, 2010 and the Children (amendment) Act 2016, premised on the understanding that the enjoyment and realization of human rights in Uganda is crucial for good governance and rule of law.

Despite delayed approval of the transitional justice policy and law, the Sector continues striving to ensure that transitional justice is achieved. Several transitional justice processes are on-going. The Judiciary has adopted ICD Rules of Procedure and is currently handling various cases.

The Judiciary operationalized the High Court Circuits of Mukono, Mpigi and Mubende and is expected to operationalize Ibanda and Rukungiri soon. In addition police booths were sent up in crime prone parts of Kampala Metropolitan area. The construction of phase 1 of Kabale Regional Remand Home (two juvenile dormitories) was completed and the facility was handed over to MoGLSD.

Over 98% of constructions started under SIP III are complete save for those started last Financial Year. Construction in Buyende, Masindi and Mitoma is on track. However construction of Nwoya Justice Centre and Kabale police station is behind schedule. The Sector has prepared a programme to commission all completed construction projects including those at Kiruhura, Ibanda, Wakiso, Mityana, Kiboga, Kyenjojo, Kibuku, Kayunga and Lamwo within the calendar year 2017. The proportion of districts that have a complete chain of frontline JLOS service points still stands at 59.8% against a set target of 53%. However, this may decline further with the operationalization of 4 new districts if no new justice centres are not constructed.

Case backlog is now at 24% compared to 25% last financial year and the disposal rate of cases is satisfactory. If the judicial officers employ the principle of first in first out by handling older cases the case backlog will be cleared within a period of two years. The Sector registered a case clearance rate of 107.3% compared to last year's annual clearance rate of 125%, due to weeding out of case during the National Court Case Census.

UPF also established 9 additional emergency response centers along major highways, increasing the number to 30 to reduce carnage on the roads.

The LDC auditorium is now complete and functional and has reduced the student/classroom ratio from 1:40 to 1:20.

Plea bargaining was rolled out to more courts targeting persons who were committed for trial in the High Court. Between July and December 2016, over 490 cases were disposed of leading to a reduction in pre-trial detainees as well as a reduction in the average length of stay on remand to under one year. However, though the average is low, prisons still have inmates who have been committed and waiting for trial for more than 6 years.

In the UPF 1,213 Cadets and 2,643 PPCs were recruited increasing the police strength to 44,185 and the police to population ratio to 1:754. However UPF requires additional 21,000 personnel to reach the 1:500 policing ratio. The incidence of crime per 100,000 reduced from 298 recorded last financial year, to 296 in the reporting period. Average time taken to issue passports is 10 days against a set target of 8 days.

Construction of a Min-Max prison at Kitalya-phase 2 commenced and so far forty percent (40%) of the work on the foundation is complete.

Escape rates of prisoners reduced from 5% in 2010 to 0.75%; meaning 7.5 prisoners escape per 1,000 offenders held. The number of adults on formal adult literacy

programmes increased from 1,340 in the baseline year to 3,141 in 2016/17, against a set target of 6,000 while the number of prisoners engaged in rehabilitation programmes increased from 340 in 2010 to 10,018 higher than the targeted 6,000.

A Prosecutors' Handbook (ODPP Juvenile Justice Prosecution Manual) for prosecuting child-related cases in Uganda was launched. This has supported skills development for prosecution and conviction rates now stand at 60.5% almost similar to that of the past year.

Under the Justice for Children programme, 75% of juveniles were diverted from formal judicial proceedings and for those processed through the system 71% received non-custodial sentences. Juvenile cases were fast tracked and the average time spent in detention by children before sentencing reduced to 2 months from 3 months.

To promote human rights and accountability, UHRC successfully mediated 57 complaints with a success rate of 80%. Thus a 23% improvement in performance was recorded compared to the previous financial year in same period.

To strengthen the implementation of the Prohibition & Prevention of Torture Act (PPTA) and 891 Police officers were sensitized on its provisions.

In UPS a daily average of 49,940 prisoners were provided with uniform and 231 babies staying with their mothers in prison were also taken care of.

Compliance to the 48 hour rule was registered at 60% below the annual target of 85% for the detention facilities inspected by the UHRC and a 45% reduction was registered for in complaints of human rights violations by sector institutions except in UPF.

The occupancy rate stood at 300.6% with the Prisoner' growth rate increasing from an average rate of 8% in FY 2015/16 to 9.8% by December 2016, while congestion stood at 212.3% prisoners in excess of the holding capacity of prisons countrywide. Mortality rate is at 0.75/1000 but expected to reduce to 0.5/1000 by the end of 2016/17 above the annual target of 1.5/1000.

The JSC upheld the fight against corruption among individual judicial officers and registered a 129% complaints clearance rate at investigation level.

The total case disposal rate at the Anti-Corruption Division (ACD) stands at 30 % and the case clearance rate<sup>1</sup> is 90%.

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<sup>1</sup> Clearance rate refers proportion of cases disposed relative to cases filed expressed as a percentage.

All the Sector institutions championed internal accountability measures through internal audits of all institutional activities and projects, including strengthening inspections, supervision, monitoring, and evaluation.

JLOS staff implicated in corruption were either prosecuted or dismissed as part of the wider implementation of the zero tolerance to corruption.

Improvements were recorded in financial management, with growing absorption rates as well as higher fiduciary discipline. Most Sector institutions returned clean audits in FY2015/16 and the SWAP fund also returned a clean audit. A detailed overview of the status of implementation and funding of planned activities as at 31<sup>st</sup> December 2016, is attached as an annex to the report. The Netherlands Government released 90% of its commitment, DANIDA also made a partial release against its commitment towards the work plan. The ADC provided 2 million Euro under sector budget support. UNICEF supported the implementation of a one year rolling work plan, while support was provided towards legal aid and LCC development under DGF.

The low budget allocations remains one of the key problems the Sector must address. This is in addition to some perennial challenges such as the slow progress of de-concentration of services, use of rudimentary technologies, lack of LCCs and corruption and human rights violations by some Sector institutions.

Slow disposal of matters in quasi-judicial institutions remained low, for example in the Judicial Service Commission that was affected by the expiry of the terms of service of Commissioners. This is coupled with understaffing in most JLOS institutions particularly Judiciary, police and prisons which has continued to make it difficult to meet the required staff to population ratios to provide the much needed services.

The other challenge is continued presence of the bucket system especially in police cells. Just as was done in prisons, the use of the bucket system must also be eliminated in police cells.