

e-Justice Implementation at a National Scale: The Ugandan Case

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Abstract. The use of information and communications technologies has been identified as one of the means suitable for supplementing the various reforms in convalescing the performance of the justice sector. The Government of Uganda has made strides in the implementation of e-Government to effectively utilize information and communications technologies in governance. The justice players are manifested in a justice, law and order sector which is based on the the Sector Wide Approach whose basic principle is that communication, cooperation and coordination between institutions can greatly add value to service delivery within a sector. Although a subset of e-Government, e-Justice aims at improving service delivery and collaboration between all justice players through the use of ICTs and needs to be spear-headed at a sector level. This work proposes ways of harnessing the existing opportunities and methods to implement e-Justice in Uganda that will culminate into a generic framework that can be applied in similar countries.

Keywords: e-Government, e-Justice, information and communication technologies.

1 Introduction

The improvement of justice delivery world over is becoming a necessity. The use of information and communications technologies has been acknowledged as one of the means improving service delivery in governments and specifically in the justice sector. In Uganda many initiatives have been taken to utilize information and communications technologies in improving delivery of services by Government [1]. Initiatives taken range from those taken by government at the top; such as the creation of Information and Communications Technology Ministry that is at the helm of spear-heading Information and Communications Technology (ICT) usage in the country to those taken individually by the different Government Ministries, Departments and Agencies.

The Government of Uganda has moved to formulate an e-Government strategy through an inter-agency team. The e-Government strategy is aimed at guiding the process of implementing e-Government in Uganda [2]. There is also an going

initiative of formulating a National ICT Policy which is led by the Ministry of ICT (MoICT) and the National Planning Authority (NPA)[3].

In the justice sector, several ICT initiatives have been attempted in the different institutions, namely; development of ICT Strategies, ICT Policies, Websites, Intranets, Management Information Systems, and Case Management Systems. All the different innovations are forms of e-Justice and are geared to utilizing ICTs in the improvement of justice delivery [4], [5].

The justice sector broadly entitled the justice, law and order sector (JLOS) includes agencies and institutions concerned with safety, security, and access to justice [6]. The JLOS is specifically composed of the following institutions: The Ministry of Justice and Constitutional Affairs, Ministry of Internal Affairs, The Judiciary, Uganda Prisons Service, Uganda Police Force, Directorate of Public Prosecutions, The Judicial Service Commission, The Uganda Law Reform Commission, Ministry of Local Government - Local Council Courts, Ministry of Gender, Labour and Social Development - Probation Services.

The Government of Uganda and the donor community have supported the development of a Sector Wide Approach (SWAp) to the justice, law and order sector since 1999. In the SWAp, the JLOS institutions jointly plan and budget in an effort to rationalize and maximize service delivery. It is a basic principle in the SWAp that communication, cooperation and coordination between the JLOS institutions can add value to the activities therein [6]. The sector is further, however, composed of the Judiciary which is an autonomous and independent arm of state whose main function is interpreting laws, adjudicating disputes, and administering and delivering justice to the people of a country. The justice sector, thus, might not be simply another sector for straightforward e-government implementations.

Although, e-Justice is a subset of e-Government, there is justified need for the justice institutions to move the e-Justice implementation as a sector. The e-Justice implementation at the sector level will feed into the overall e-Government implementation.

This work examines the Ugandan situation in a relative viewpoint and the work is organized as follows. The first section of the work deals with generic e-Government and e-Justice. The second section focuses on the Ugandan case of ICT implementations towards e-Government and e-Justice examining the situation through a SWOT analysis. The third section proposes a framework for implementation of e-Justice in Uganda emphasizing best practices of technological advances that can improve judicial institutional reforms and enhancing their impacts. The work ends with concluding observations which wrap up the concerns, trends and strategies.

2 e-Justice and e-Government

e-Justice is easily presumed to be a mere subset and section of e-Government implementation, however the justice arena is a rather peculiar area that requires a sector consideration.

e-Justice aims at improving service delivery and collaboration between all justice players through the use of ICT whereas e-Government facilitates online access to various government services including justice, security, agriculture, education, health, etc. e-Government also promotes participation and democracy through public access to information/records in possession of the state or public body, so as to effectively scrutinize and participate in government decisions that affect them [13], [7], [8].

In Uganda [9], e-Justice and Cyber-laws have been identified as a key cross cutting issues that needs to be in place for the successful implementation of e-Government applications in East Africa.

2.1 e-Government

e-Government involves focusing on the use of Information and Communications Technology (ICT) to assist in the transformation of government structures and operations for cooperative and integrated service delivery. More so, e-Government is not just simply putting government forms on-line, creating static organizational websites or posting simple tax schedules on-line, but rather it is the integration of government operations in the delivery of services to her citizenry and the business sector [10] .

e-Government is broadly defined as the use of ICT to promote a more efficient and effective government, facilitates accessibility to government services, allows greater public access to information, and makes government more accountable to citizens. It involves delivering services via the Internet, telephone, electronic media, community centers (self-service or facilitated by others), wireless devices or other communications systems [11].

African countries like Egypt and Mauritius have advanced national e-Government programs with aspects of use of ICT in their judicial systems. Kenya and Rwanda are progressing very well as far as the introduction of e-Government services is concerned [12] .

2.2 e-Justice

The use of information and communications technology in the justice sector has been in constant progress; from the simple access of legal resources via the Internet to the prospect of electronic communication with all parties involved in court business. The use of ICTs not only facilitates the networking at the justice level but also helps the citizens, business operatives and the legal practitioners in their access to justice. Public awareness and culture is also demanding that legal systems be more open and approachable [13]

Although e-Justice may have not yet been totally accepted as a natural language concept, there exist some definitions like; e-Justice is the legal-adjudication-and-enforcement arrangements, gradually absorbing more ICT-services in their operational architectures [14].

e-Justice is generally the use of ICT in the effective and efficient delivery of judicial services. The aim of e-Justice is to make the administration of justice

more efficient, effective and less expensive for citizens and all justice players. In a nutshell, e-Justice aims at strengthening the justice system through the use of ICTs to strengthen the communication and exchange of information amongst the justice players and those seeking justice [15].

Often, also e-Justice refers to the modernization of the administration and delivery of justice through re-engineering work processes by using ICTs [16].

In Africa there are a diversity of judicial systems because of the inheritance of different legal systems due to colonialism [17]. The miscellany in the judicial systems in Africa means a variety of ICT solutions both technically and administratively espoused by the different countries and offers a unique situation in the application of ICTs in the administration of justice. A big challenge lies ahead in benchmarking from the different ICT implementations towards e-Justice.

There are a few targeted full blown implementations of e-Justice in Africa, such as the case of South Africa [18] where the e-Justice programme aims to reform and modernize the administration and delivery of justice through re-engineering work processes by using technologies, and strengthening strategic planning and management capacity, organizational development and human-resource intervention.

3 The Uganda e-Justice and e-Government Case

There have been various passive attempts have been made to towards the implementation of e-Government and e-Justice by the individual institutions.

3.1 ICT Implementations towards e-Government

Amongst one of the biggest underlying implementations towards e-Government is in the telecommunications sectors; today, almost all the districts in the country are covered by the telecommunications infrastructure. To ensure good quality service delivery, more than 80% of all the Public Switching Telephone Network (PSTN) switching systems in the country are digital. Liberalization of the telecom sector has led to its phenomenal growth . There are currently 21 telecommunications operators and slightly over 8 million subscribers. Broadband penetration, ICT usage and provision of basic communications facilities is being promoted by the Uganda Communications Commission (UCC) through the Rural Communications Development Programme (RCDP)[19]. This initiative has covered most of the rural areas considered commercially inviable by incumbent telecommunications operators.

In addition, a National data transmission and e-Government backbone infrastructure (NBI/EGI) is being installed by the Government and expected to be completed by 2010 [2]. The National Data Transmission Backbone is to span through 28 districts while the e-Government infrastructure is to connect all Government Ministries and Departments. All district local governments in the country have websites developed under the Rural Communication Development

Program (RCDP). Public, investment and other business information opportunities are published on the websites. A Government of Uganda web portal to act as a gateway to government services with linkages to the business sector is under development. A National Data Centre to facilitate government wide data storage, usage, sharing and security has been built.

In Uganda, there are already prominent existing ICT implementations towards the actualization of e-Government such as the Integrated Personnel and Payroll System, Integrated Financial Management System and e-Health.

3.2 ICT Implementations towards e-Justice

In Uganda, tremendous resources have been invested in ICT projects in the different justice sector institutions to improve the efficiency and effectiveness of the justice system. The different projects have targeted criminal, civil and administrative operations within the different justice institutions. This section broadly describes some of the individual institutional initiatives.

The Judiciary through donor support has been at the forefront of utilization of ICT in the improvement of justice delivery through various projects such as the Court Case Administration System (CCAS) which is a case management system that assists in recording all details pertaining to a case (file), tracking files, cause listing, generation of statistics and monitoring performance. The Judiciary also initiated the use of a Court Recording and Transcription System which is geared to quickening the preparation of court proceedings and judgments. A Management Information System (MIS) has also been developed for the Judiciary to store and report on management information. On top of all other implementations are the Intranet and Website which are geared to increasing transparency, collaboration and communication. Lastly, an electronic document management system (EDMS) is in the process of being deployed to streamline the life-cycle of document handling. All the systems are working in a networked environment at individual stations, some of which are connected via a Wide Area Network (WAN)[4].

The Directorate of Public Prosecutions through donor support has also attempted to utilize ICTs by amongst others networking some major stations and deploying a case management system referred to as PROCAM whose main aim was to support the timely administration and delivery of services by the Directorate to the Public. The system was also specifically targeted to monitor case files and monitor performance of the other sector institutions (Judiciary and Police)[5].

The Police until of recent had not clearly utilized much ICT, save for the TETRA digital trunk radio communications system for enabling efficient communication between Ugandas security agencies [20]. The Uganda Police enthusiastically made strides towards integrating ICTs in its service delivery by signing a memorandum of understanding with Makerere University (FCIT) in which the two parties shall be responsible for the design, development and implementation of appropriate electronic information and communication solutions/applications and the selection of the equipment to be used based on compatibility with the existing Government standards and policies [21].

The Uganda Prisons has not embraced concrete ICT Systems, it is currently using a few computer equipment for word processing and worksheets to store some information.

3.3 SWOT Analysis

In this section, a critical strengths, weaknesses, Opportunitites and Threats analysis has been conducted basing on practical experience and some inspirations in [13]

1. Strengths

- The different justice institutions have already started ICT implementations towards e-Justice at the institutional level.

2. Weaknesses

- Most ICT initiatives are purely focused on the computerization of activities not necessarily interconnected with the larger judicial reform agenda. The administration mainly concentrates on procurement of hardware (computers) and not the systems that will really impact on the Judicial reform
- In justice sector institutions, there are deficient organizational arrangements for the planning and implementation of ICT investments. There is also a lack of planning mechanisms, poor arrangements for discharging responsibilities, a lack of opportunities for systematic learning by justice sector staff.
- Lack of knowledge of senior policy makers on the importance of ICT and their commitment to modernize. Benefits and opportunities available with ICT to improve business processes and core judicial operations are not well articulated. Efforts to improve access to justice, citizen participation and communications that can be leveraged through the introduction of technologies, have generally not been targeted to appropriate levels of decision makers. Too many of the initiatives are handled at low levels that have functional rather than decision-making authority and clout. This has at times resulted in funding cut-offs and shelved projects.
- There is Lack of donor coordination. Projects in in the different justice institutions have failed to get coordinated due to failures to integrate aid from different sources, resulting in disparate equipment and software specifications, and business processes that cannot collaborate.
- Lack of sufficient institutional stakeholder involvement and training which undermines change. Another flaw has been inadequate consultation with the concerned stakeholders, especially on their perceptions of, and readiness to implement ICT induced changes. As ICT programs often result in new work methods and behavior, the participation and education of employees and users is fundamental. Programs that overlook factors of resistance to change almost invariably fail sooner or later.

3. Opportunities

- There are some existing e-justice solutions with some vendors and they are compatible with the already implemented e-Government systems in government (Min. of Finance Integrated Financial Management System, Min. of Public Service Integrated Personnel and Payroll System and Min of Local Government - LOGICS). The solutions can be implemented at a subsidized cost if they utilize the already existing infrastructure.
- The existence of the National Data Transmission Backbone Infrastructure (NBI) can be used to interconnect the different justice players as well as the public.
- Donor funding as has been in the past, the advantage now is that the funding is at now supported through the JLOS (Sector-wide Approach)

4. Threats

- The main threat is the determination of who should be the lead institution in the implementation of the integrated initiative.
- The different justice institutions already have isolated islands of ICT implementations which might be fragmented, overlapping and unrelated. There is a challenge of integrating the different systems. There could be two directions; one is to implement an entirely new integrated system from scratch and another would be integrate the already existing systems.
- There is a threat of staff within the justice institutions failing to reform their work habits towards the support of e-Justice implementation

It is evident that on one side, there are a good number of ICT projects initiated, but, on the other side, the biggest problem is that the realizations of the original project goals have not been achieved to the entirety.

The ICT projects/implementations in the different institutions have been done independently without a common framework for integration, implying that there is no effective communication for information sharing, collaboration across and within the complex boundaries.

4 The e-Justice Solution and Framework

The biggest concern in the sector (JLOS) is the perceived dwindling speed and quality of justice (all players in the sector have a role to play) in the country; the root causes are insufficient vertical and horizontal linkages [6] and inability to efficiently collaborate and share information within the sector.

The different ICT implementations, e.g. CCAS and PROCAM had an objective of integrating information from other justice institutions and this was not realized. This concern strengthens the need for e-Justice.

4.1 The e-Justice Solution

The gaps in the current e-Justice attempts can be filled by having a fully blown e-Justice system which shall embrace the following aspects in order to offer a total solution to the ineffectiveness and inefficiency in the delivery of justice:

1. Integrated Justice System; This should offer a common framework for the information exchange between the different sector players (Judiciary, Police, DPP, Prisons, Min of Justice, etc.).
2. Through e-Justice, Electronic Filing should be possible at all the institutions; i.g the litigants through advocates should be able to file cases electronically, likewise the police should be able to file with the DPP electronically and the Judiciary should be able to relay conviction information to the Uganda prisons electronically. Furthermore, it would be possible to alert Prisons Authorities about suspects who automatically qualify for bail.
3. Through e-Justice it should be possible track cases right from the police through to prison stages and within the different stages
4. Through the implementation of e-Justice, incidences of lost case files will be minimized in all institutional categories
5. Through e-Justice it is possible to monitor performance and identify bottlenecks within the entire justice system (with the ability to make trigger reports and alarms when time-lines are violated)
6. Through e-Justice it is possible to produce integrated statistics that are representative of the all the justice sector players (e.g. Defilement cases with details of victims this integrates both Judiciary and Police/DPP information).

4.2 Proposed Framework of Implementing e-Justice

The implementation of e-Justice is not a fully exploited area and thus does not have a straightforward methodology that can be adopted largely because the area is still novel, existing differences in justice systems, maintenance of the need for the independence of the Judiciary.

Basing on some attempts to e-Justice earlier referred to in the previous sections, the following is the preferred framework for the implementation of e-Justice in justice systems similar to that of Uganda. The proposed judicial portal is also shown in Figure 1:

1. The e-Justice implementation should be **championed by the Ministry of Justice** as has been the case for other justice reform policies and strategies [22]
2. Creation of an **e-Justice Task force/Steering Committee** of the different players to drive the implementation
3. Creation of an **e-justice strategy and e-Justice Policy** to guide the implementation and adherence
4. **Inventory all the existing institutional ICT initiatives and identify existing manual synergies** that requires integration and information sharing
5. Determine all the major **e-Justice arenas** with a view of creating a **common Portal** that will facilitate e-Justice and will be characterized by the following functionality:
 - Electronic Judicial Procedures and Law Reporting

- Electronic filing, Document Scanning and Management
 - Interconnection of all judicial Records from all JLOS players
 - Creation/Access to various Databases (Advocates, Bailiffs, Court Stations)
 - Bulletins: exchange of documents and information within and between justice institutions and the public
 - Video Conferencing, Proceedings Recording and Transcription
 - Lawyers and Citizens Portal
 - Data mining and real time management of judiciary in an electronic environment
6. **Awareness Campaigns** of e-Justice
 7. Consider ways of **integration of the already existing individual institutional initiatives into the e-Justice Framework**
 8. **Legal issues and challenges through introduction of e-justice** (apart from Computer Crime, Electronic Transactions and Digital Signatures)

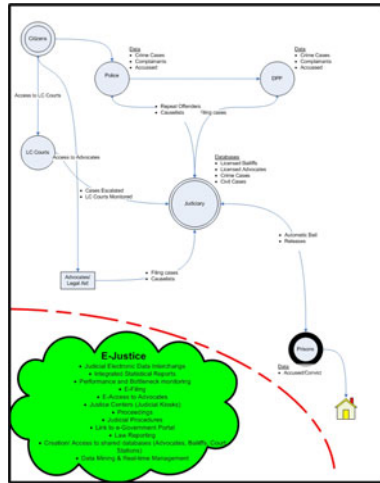


Fig. 1. e-Justice-Portal (Access by the Public and Institutions to the Justice Systems)

5 Conclusion

There is still very limited information in circulation about the use of ICT in the administration of justice. This is despicable because common challenges faced to which solutions have been modeled can not be shared. This study of the Ugandan case could trigger more studies and contribute significantly to the sharing of experiences towards the implementation of e-Justice that will culminate in a cohesive framework.

It should also be emphasized that the administration of justice is still treated as a island and lagging behind in the e-Government implementations. It is about the right time that the justice sector is made one of the top priorities for e-Government projects in Uganda and other LDCs.

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