



Experience and Impact of Digital Transformation in the Administration of Justice in Uganda: A Critical Analysis

EDGAR KUHIMBISA 

ACADEMIC
ARTICLE



ABSTRACT

A long and rich history characterizes the administration of justice in Uganda. Over the last twenty years, justice reforms have largely been engineered and driven by the “sector-wide” model adopted in the late 1990s to address systemic gaps and challenges. This “chain-linked approach” has inspired wide-ranging reforms in Uganda’s justice system defined by innovation and integration of digital technologies in business processes cutting across institutional boundaries. Through people-centered justice programming, Uganda’s justice institutions led by the Judiciary are adopting innovative practices, empowering stakeholders with information, and providing digital platforms to facilitate access to justice for all.

This paper takes a deep dive into Uganda’s unique experiences by examining the various building blocks of its justice reform programme powered by digital technologies. At an impact level, the paper explores current and potential outcomes of digitally transforming Uganda’s justice system – specifically its implication for service delivery and social-economic transformation. Current challenges and problems associated with implementing e-justice platforms are examined together with solutions that are currently being adopted.

CORRESPONDING AUTHOR:

Edgar Kuhimbisa

Technical Advisor,
E-Governance at the
Ministry of Justice and
Constitutional Affairs,
Republic of Uganda

EKuhimbisa@jlos.go.ug

KEYWORDS:

digitization; judicial reform;
people-centred justice;
e-justice; chain-linked
approach

TO CITE THIS ARTICLE:

Edgar Kuhimbisa,
‘Experience and Impact
of Digital Transformation
in the Administration of
Justice in Uganda: A Critical
Analysis’ (2024) 15(1)
*International Journal for
Court Administration* 5. DOI:
[https://doi.org/10.36745/
ijca.580](https://doi.org/10.36745/ijca.580)

A long and rich history characterizes The administration of justice in Uganda. In pre-colonial Uganda, each local community designed and practiced its own traditional (informal) legal system based on its unique customs enforced by elders, clan leaders, chiefs, and kings.¹ The post-independence era ushered in a formal justice system anchored on common law jurisprudence that culminated in the codification of the current judicial architecture in the 1995 Uganda Constitution² and Administration of the Judiciary Act, 2020.

The judiciary in Uganda is an independent arm of Government charged with the administration of justice through the Supreme Court (highest court), the Court of Appeal (constitutional court), the High Court, and other courts³ or tribunals established by Acts of Parliament. The sprawling nature of the High Court underscores the central role it plays in the day-to-day lives of Ugandans – socially, economically, and politically. The High Court is a collection of seven (07) divisions each with a specific focus area: the criminal division;⁴ the civil division;⁵ the family division;⁶ the land division;⁷ the commercial division;⁸ the international crimes division; and the anti-corruption division.

The *Administration of Judiciary Act*⁹ was designed to create a more efficient and effective court system in Uganda through improved structural governance, performance management, welfare of judicial officers, and addressing funding constraints that have plagued judicial function over the years (CEPIL, 2020).¹⁰

However, beyond the judiciary, the administration of justice in Uganda is a function of multiple players and a diverse group of stakeholders cutting across the other two arms of the state: the legislature (Parliament) and the executive branch (Constitution of the Republic of Uganda, 1996). As a result, Ministries, Departments and Agencies (MDAs) at the central and local government levels have a significant stake in matters of judicial administration and access to justice. These mainly include the Ministry

1 Kamusiime, B. (2014) *Challenges facing the Judiciary in Uganda*. Kampala International University. Available at <<https://irbackend.kiu.ac.ug/server/api/core/bitstreams/c179e1bc-ee15-4749-bff2-d0bffa4531c/content>> [accessed 2 May 2024].

2 Article 126 (1) of the Uganda Constitution (1995). Available at <<https://www.parliament.go.ug/documents/1240/constitution>> [accessed 2 May 2024].

3 Chief Magistrates Court, Industrial Court Magistrates Grade I and II Local Council Courts levels 3–1 (sub county, parish, and village).

4 Responsible for hearing all serious criminal offenses referred to it by the Magistrates' Courts.

5 Hearing appeal cases from the Magistrates' courts in connection with torts committed against the person; Defamation; Bankruptcy and company winding up matters; Partnership matters; Companies matters; Real and personal property.

6 Hearing of Family causes, (Adoption, Guardianship, Affiliation/maintenance).

7 Handles adjudication of all land related disputes.

8 Adjudication of disputes that affect directly and significantly the economic, commercial, and financial life of Uganda.

9 Signed into Law on 19th June 2020 Available at <<https://judiciary.go.ug/files/downloads/The%20Administration%20of%20the%20Judiciary%20Act%202020.pdf>> [accessed 2 May 2024].

10 Centre for Public Interest Law (CEPIL). Understanding the Administration of the Judiciary Act 2020, Available at <<https://cepiluganda.org/news-blog/understanding-the-administration-of-the-judiciary-act-2020/>> [accessed 2 May 2024].

of Justice and Constitutional Affairs (Attorney General's Chambers), the Ministry of Internal Affairs (MIA), the Judicial Service Commission (JSC), Uganda Police Force (UPF), the Uganda Prisons Service (UPS), the Tax Appeals Tribunal (TAT), the Office of the Director of Public Prosecutions (ODPP), the Uganda Human Rights Commission (UHRC), the Uganda Law Reform Commission (ULRC), and the Ministry of Gender, Labor, and Social Development (MGLSD). At a local level, the Local Council Courts (LCCs) established within the Local Council structures under the Ministry of Local Government provide informal justice mechanisms at the village level in accordance with the *Local Councils Act*, 2006.¹¹

The Uganda Law Society (ULS) serves as the official bar association for all lawyers in Uganda and plays a regulatory and supervisory role designed to promote professionalism in the legal space in partnership with the Law Development Centre (LDC), the Courts of Judicature and the Law Council.

Non-state actors such as paralegal organizations, legal aid service providers under the Legal Aid Service Providers Network (LASPNET), and human rights advocates all collectively contribute to the effective and efficient administration of justice in Uganda through community-based interventions.

Of particular interest is the emerging trend in justice and legal innovation powered by digital technologies. Though Uganda's LegalTech industry is currently in its formative stages, the key players such as Barefoot Law, the LegalTech Lab, Legal Hub Uganda, and The Hague Institute for the Innovation of Law (Hiil) are increasingly demonstrating the relevance of local digital innovation in solving justice problems experienced by Ugandans especially the poor and marginalized. The drive toward digital legal innovation has coincided with the adoption (and acceptance) of technology in the administration of justice – particularly in the judiciary with the recent rollout of the Electronic Court Case Management System (ECCMIS).

THE SECTOR-WIDE APPROACH

Uganda's turbulent history, – particularly between 1972 and 1986 – was significantly consequential to the administration of justice. This period, defined by political upheaval and turmoil, led to a breakdown in state functions – particularly the maintenance of law and order. This led to loss of public trust in justice institutions, poor service delivery and lack of accountability (World Bank, 2009).¹² The post-conflict recovery efforts after 1986 focused on institutional building, and the recognition that justice institutions play a key role in nation-building – particularly in creating a conducive business environment to attract investment and restore the economy. Promulgation of the 1995 constitution underscored the Government's commitment to respect for human rights and access to justice for all as key components of Uganda's governance architecture.¹³

11 Hague Institute for the Innovation of Law (Hiil). Local Council Courts in Uganda, Available at <<https://dashboard.hiil.org/publications/trend-report-2021-delivering-justice/case-study-local-council-courts-in-uganda/>> [accessed 2 May 2024].

12 The World Bank Legal Vice Presidency (2009). *Uganda Legal and Judicial Sector Study Report*. Available at <documents1.worldbank.org/curated/en/922811468309343817/pdf/497010ESWOP11010Box341968B01PUBLIC1.pdf> [accessed 2 May 2024].

13 Wapakhabulo, J.F (2001). *Uganda's Experience in Constitution Making*. Constitution of Kenya Review Commission (KECKRC). CommonLII. Available at <<http://www.commonlii.org/ke/other/KECKRC/2001/33.html>> [accessed 2 May 2024].

In 1999, the Government of Uganda initiated a Justice, Law, and Order Sector (JLOS) reform programme as a vehicle to reform the justice system and address systemic challenges of access to justice, human rights, accountability, and the rule of law.¹⁴ These gaps and challenges included a significant case backlog in the courts, weak case management systems, a shortage of manpower in front-line institutions that deliver justice services and funding shortages for core judicial functions.

To date, the JLOS (chain-linked) reform programme is made up of eighteen (18) Ministries, Departments, and Agencies (MDAs) across the Government responsible for the administration of justice and the rule of law. Under the sector-wide model, all institutions with closely linked mandates in the administration of justice, maintenance of law and order, and promotion of human rights work closely in the execution of their collective mandate through well-defined structures, standards, and protocols.

Critical issues and challenges facing the justice institutions in Uganda include: high caseloads, high crime rates, low levels of public trust and confidence in the justice system, case backlog, low quality of investigations, terrorism, low adherence to statutory timeframes such as the 48-hr rule,¹⁵ limited early detection of crime, inconclusive investigations, low resource utilization, failure to dismantle syndicated crime, and corruption.

The underlying value of the sector-wide approach goes beyond coordinated planning and budgeting for institutions that make up the justice chain. The cross-institutional synergies driven by collaboration, cooperation, communication, and coordination across the entire justice ecosystem facilitate the effective design of solutions to old and emerging challenges, proper utilization and allocation of resources, drive innovation, and improve justice service delivery.

Indeed, the sector-wide (chain-link) model has set the stage for digital transformation interventions in Uganda's justice sector through a concerted and coordinated effort that involves a multiplicity of stakeholders in the justice chain.

UGANDA'S E-JUSTICE OUTLOOK

The Taskforce on Justice¹⁶ measures the current "global justice gap" from three (03) dimensions as follows: 253 million people live in extreme conditions of injustice; 1.5 billion have justice problems they cannot resolve; and 4.5 billion people are excluded from the opportunities the law provides. In summary (and collectively), an estimated 5.1 billion people (about two-thirds of the world's population) across the globe lack meaningful access to justice, especially the poor, marginalized and vulnerable in communities across the globe.

In Uganda, access to justice challenges and bottlenecks have a lot in common with the current general global outlook. Recent data shows about 86% of Ugandans

14 Uganda's Justice, Law, and Order Sector (2015). *Innovations Changing the Lives of Ordinary Ugandans*, Available at <https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/Downloads_Laender_DivBerichte/Uganda/JLOS_Spreads__2_.pdf> [accessed 2 May 2024].

15 Office of the High Commissioner for Human Rights (OHCHR), 'Law Enforcement Officers Urged to adhere to the 48-hour rule:' Available at <<https://uganda.ohchr.org/news/law-enforcement-officers-urged-adhere-48-hour-rule>> [accessed 2 May 2024].

16 Centre on International Cooperation (2019), Task Force on Justice, Justice for All – Final Report. Available at <<https://www.justice.sdg16.plus/>> [accessed 2 May 2024].

currently have at least one legal/justice problem (40% crime; 31% land; 29% disputes with neighbors; and 25% domestic violence).¹⁷

Institutions involved in the administration of justice (collectively under the Justice, Law, and Order Sector) have over the years been at the forefront of justice reform in Uganda – through innovative mechanisms designed to close the justice gap. However, challenges remain, and these include case backlog (high caseload), speed and quality of criminal investigations, limited access to legal aid services, the evolving (and complex) nature of crime, corruption, increasing land disputes, gender-based violence (SGBV), child abuse and juvenile justice issues (for children in contact with the law) et cetera.¹⁸ JLOS institutions led by the judiciary continue to explore new justice delivery models to tackle the above challenges and bottlenecks. Specifically, a people-centred justice (human rights-based) approach is being leveraged across the service delivery ecosystem to create better “justice journeys” and experiences for people.

E-justice solutions designed and built on the people-centered access to justice model are increasingly being positioned to empower people and communities with information required to resolve legal (and justice) problems, enable people to access (formal and informal) services that are responsive to their legal (justice) needs, enable people to achieve fair resolution to their legal (and justice) problems, and create an environment for prevention of legal (justice) problems before they occur (by tackling the root causes of injustice and promoting public trust in the justice system). From an administration of justice perspective, JLOS institutions continue to explore the benefits of data and evidence to facilitate innovation, improve decision-making (data-driven justice reform), and promote transparency and accountability.

Uganda’s e-justice strategic outlook is therefore anchored on four key pillars: facilitating citizen engagement and participation in justice and judicial processes, empowering duty bearers (judicial officers, prosecutors, investigators, and other legal personnel) in justice institutions, optimizing operational capacity, and transformation of justice service delivery designed to not only solve but prevent justice problems before they occur where possible.¹⁹

ANALYSIS OF DIGITAL JUSTICE REFORMS AND THEIR IMPACT

From a technological perspective, the “chain-linked approach” has inspired wide-ranging reforms in Uganda’s justice system driven by innovation and integration of digital technologies in judicial business processes cutting across institutional boundaries in the civil and criminal justice domains. These reforms include deepening and broadening access to justice services, mainstreaming human rights and gender

¹⁷ Hague Institute for the Innovation of Law (2020): Uganda Justice Needs Survey. Available at <<https://www.hiil.org/research/justice-needs-and-satisfaction-in-uganda/>> [accessed 2 May 2024].

¹⁸ JLOS (Access to Justice Sub-programme) Strategic Plan 2020–2025 (Government of Uganda). Available at <<https://governance.jlos.go.ug/index.php/component/k2/item/121-access-to-justice-strategic-plan-2020-2025>> [accessed 2 May 2024].

¹⁹ Justice, Law, and Order Sector (2021). E-Justice Strategic Plan, 2021–2026. Government of the Republic of Uganda. Available at <<https://www.jlos.go.ug>> [accessed 2 May 2024].

equality, fighting corruption, and strengthening competitiveness and commercial justice.²⁰

Institutions in the justice chain are increasingly leveraging digital-enabled solutions²¹ and services to facilitate data-driven decision-making to solve justice problems and challenges; empower people to have high-quality experiences with the justice system; and create e-justice platforms for information access and break barriers associated with access to justice services.²²

The upward and progressive trend in the adoption of technology especially in frontline JLOS institutions (the Judiciary, Uganda Police, Office of the Director of Public Prosecutions, Uganda Prisons Services, remand homes, national identification, business registration, citizenship and Immigration control, administration of estates et cetera) has evidently set the stage for digital transformation in the justice chain.

Analysis of digital justice interventions and their impact presented in this Section is based on the four strategic pillars of Uganda's e-justice strategic outlook earlier discussed in Section 2: Enhanced citizen engagement; empowered employees; optimized operations; and transformed service delivery. This analysis is presented within the context (and limits) of the core administration of justice business processes of Uganda's chain-linked justice system: investigation; prosecution; adjudication and incarceration/corrections. Cross-cutting digital interventions in other JLOS institutions are also assessed in terms of their value in facilitating an efficient and effective justice system.

INVESTIGATION

The Uganda Police Force (UPF) serves as the primary entry point in Uganda's justice system and therefore a key player in the digital justice chain – as the primary “creator” and “supplier” of data to the Office of the Directorate of Public Prosecutions (ODPP), the Judiciary the Uganda Prisons Service and other JLOS institutions involved in the administration of justice.

There are ongoing efforts in the UPF to develop an Electronic Policing Information System (ePIS) – anchored on a data-driven e-policing model that leverages collection, analysis, and sharing of data to facilitate crime detection, investigation, and prevention business processes. Through ePIS, technological interventions (digital solutions) will be engineered and developed taking into account the unique requirements for automation of policing business processes; the need for secure communications across the entire UPF chain of command at strategic, regional, and district levels; digital records and document management; data-driven reporting, data analysis; criminal identification and profiling; biometrics and forensic analysis; exhibit management and a host of other e-crime policing services that will generate unprecedented value to the Police, other MDAs and stakeholders in the public domain.

²⁰ Judicial administration reform leads to effective and efficient access to justice— that consequently leads to the structural transformation of the Ugandan economy by promoting the rule of law through effective regulation of economic activity, clarification, and affirmation of rights, and strengthening laws, regulations and institutional arrangements that shape daily economic and social activity.

²¹ Over the last 8-10 years, there has been significant investment in case management information systems resulting in the level of automation improving from 12% in 2016 to 46% in 2020 with a projection of 60% in 2021.

²² Access to Justice Sub-Programme Strategic Plan (2020–2025, supra note19.

From a typical case management perspective, the Uganda Police through the ePIS is developing a crime case management system primarily owned by the Directorate of Criminal Investigations (CID) to provide digital mechanisms in managing all cases registered and investigated by the Police from inception to conclusion country wide. The ePIS project is currently in its design phase with the participation of a cross-section of stakeholders across the entire criminal justice chain underscoring the critical (and central) role of e-policing in the administration of justice in Uganda.

E-policing systems are being positioned to facilitate effective and efficient processing of suspects, leveraging digital tools for identification of persons of interest and analysis of scenes of crime. This is of utmost importance from a human rights observance perspective as it reduces chances of arbitrary arrest and detention – a real possibility in the absence of systems, tools, and mechanisms that facilitate proper investigation of crime. Leveraging digital forensic platforms, it is easier and faster to identify suspects, link them to a scene of crime, and convict or exonerate them in the courts of law. This is against a backdrop of the increasing prison population in Uganda,²³ and a steady increase in pre-trial detainees attributed to several factors that include inconclusive investigations and lack of evidence.²⁴

The Criminal Automated Biometrics Information System (CABIS) is currently used by the UPF to obtain, store, and analyze fingerprint data critical in the identification of criminal suspects or linking a suspect to a particular crime scene or unresolved crime. CABIS is further used in the generation of the certificate of good conduct for applicants in the public and private sectors by digitally matching biometric profiles of persons to the CABIS fingerprint database. CABIS is therefore a vital digital tool in the fight against crime providing investigators with the capability to match fingerprints of suspected criminals within hours as opposed to the approximate forty working days it previously used to take to do so manually.²⁵ Faster response times in producing criminal records concerning people in custody or awaiting trial and rapid identification of wanted criminals are critical in the quick dispensation of justice. Currently, in its initial rollout phase, plans are underway to expand the current capabilities of CABIS to store additional biometric datasets and provide a platform for integration with critical systems such as Interpol's i-24/7 database.

Current efforts in the Uganda Police to digitally transform the Criminal Records Office (CRO) will go a long way in complementing CABIS in the accurate identification of persons that encounter the criminal justice system by providing an electronic trail of their criminal history if any. As a case progresses through the criminal justice chain (police, ODPP, courts, and prisons), the electronic criminal records office shall have the capability to collect multiple datasets on all decisions made including convictions. The UPF intends to share this criminal history dataset captured in the Electronic Criminal Records Office (eCRO) database with investigators, prosecutors, and judicial officers (presiding over cases) to facilitate the judicial process. For example, plea-bargaining,

23 Umar Kashaka, "Number of Prisoners in Uganda up by 2.3%", The New Vision. Available at <https://www.newvision.co.ug/category/news/number-of-prisoners-in-uganda-up-by-23-report-NV_182211#google_vignette> [accessed 2 May 2024].

24 Karugonjo-Segawa, R. (2012) Pre-Trial Detention in Uganda, APCOF Policy Paper. Available at <<https://judiciary.go.ug/files/downloads/Pre-trial%20Detention%20Uganda.pdf>> [accessed 2 May 2024].

25 Uganda Police Force (2020), Uganda Police Strategic Plan (2020–2025). Available at <<https://www.upf.go.ug/wp-content/uploads/2018/07/UPF-Strategic-Plan-2015-2020.doc.pdf?x89335>> [accessed 2 May 2024].

community service orders, and execution of the *Preventive Detention Act*²⁶ can only be effectively conducted with credible and reliable proof of the identity of the suspect. Additionally, through this shared data resource across the justice system, it would relatively be easy for a presiding magistrate or judge to know (on good authority) whether a suspect is a first-time or habitual offender and the nature of the sentence deserved. All the underlying business processes relating to the design of the Electronic Criminal Records office have been reviewed and documented. What remains is the development and rollout of the system at the Directorate of Forensics.

Building and implementing digital crime management platforms in the UPF is therefore essential from multiple dimensions. On one hand, automation of crime investigation, detection and prevention processes create effective and efficient policing at strategic, tactical, and operational levels. This translates into increased productivity of police officers and transforms overall law enforcement service delivery. The biggest beneficiaries of these “digital dividends” are communities and individuals that often bear the brunt of crime as victims.²⁷ Secondly, being the primary entry point of criminal cases, digital-driven management of crime adds value downstream to the ODPP, judiciary, prisons, and other stakeholders in the justice chain through more effective and efficient sharing of data. This enterprise value proposition is at the heart of Uganda’s e-policing model and the approach to digital transformation in the UPF.

PROSECUTION

At the Office of the Director of Public Prosecutions (ODPP), the Prosecution Case Management Information System (PROCAMIS) is the e-justice platform leveraged in the management of all criminal cases submitted by the Police (investigators) and sanctioned for prosecution. PROCAMIS deployed in ODPP offices across the country provides for an electronic registry and criminal records database for all the criminal cases forwarded and handled by the ODPP offices countrywide, document management and imaging systems to reduce instances of lost files and delays in prosecution process; collaboration and coordination mechanisms among the prosecutors across the ODPP by interlinking the activities of all offices and service points across the country, a national criminal information referral point for information of criminal nature pertaining to any individual citizen or non-citizen within Uganda; timely management information to support decision making; and data/information transfer to JLOS institutions that are closely linked with the operations of ODPP (the Uganda police and judiciary in particular).

PROCAMIS has the potential to greatly impact the criminal justice system in Uganda given the role played by the ODPP in judicial proceedings relating to criminal cases. However, challenges associated with its full rollout in ODPP offices across the country (due to infrastructural constraints) and limited adoption by prosecutors have minimized its impact. Integration between PROCAMIS, ePIS (police) and the ECCMIS in the judiciary would add significant value to the criminal case management process with the ability to electronically manage case files throughout the entire criminal

²⁶ *Habitual Criminals (Preventive Detention) Act*. Available at <<https://ulii.org/akn/ug/act/ord/1950/21/eng@2000-12-3>> [accessed 2 May 2024].

²⁷ In 2022, there was an 18% increase in the number of crimes reported to Police from 196,081 cases reported in 2021 to 231,653 cases mainly due to the full opening of the economy after the Covid-19 lockdown and growing confidence to report crime to Police: Uganda Police 2022 Annual Crime Report. Available at <<https://www.upf.go.ug/download/the-2022-annual-crime-report/>> [accessed 2 May 2024].

justice chain. Efforts to integrate PROCAMIS and ECCMIS are ongoing and facilitated through the Government of Uganda systems integration bus (known as the UG-Hub) operated by the National Information Technology Agency (NITA-U).

ADJUDICATION

The Electronic Court Case Management Information System (ECCMIS) rolled out in 2021 in select pilot courts²⁸ provides a secure, transparent, and accountable case management digital platform accessible by court staff (judicial officers) and litigants for all civil and criminal cases. Through the ECCMIS, litigants can file cases online and effect all the required court payments to the Uganda Revenue Authority (URA) electronically through integration with the Government of Uganda payment gateway.

Given the strategic positioning of the judiciary – charged with the mandate to adjudicate all cases (civil and criminal) across the country, the implementation of ECCMIS in courts is a game-changing intervention in the administration of justice in Uganda. Efforts are underway to fully roll out the ECCMIS in all courts (and court divisions) across the country. Integration of ECCMIS with e-justice platforms across the JLOS institutions and beyond shall provide data exchange mechanisms for prosecutors, private legal counsel (handling court cases), correction officers, police officers, remand homes (in matters relating to juvenile offences), community service officers and legal aid service providers.

Digitalization of court business processes through the ECCMIS is expected to enhance record-keeping and reduce delays and case backlogs by automating and standardizing manual procedures, reduce human-to-human interaction thereby making it technically and practically difficult to engage in corrupt tendencies, guide users through their daily court activities and notify users of pending actions, improve overall efficiency and cost savings, enable court management to make informed decisions about procedures and better allocate resources, and play a central role in movement of case files across JLOS institutions – from law enforcement (police), prosecutions (ODPP); to the courts, to corrections (prisons) et cetera leading to improved communication and reducing the likelihood of case processing errors.

The introduction of video conferencing technologies in Uganda's courts²⁹ has partly provided a solution to case backlog by minimizing procedural delays, increasing cost efficiency for court users and mitigating challenges posed by geographical inaccessibility to courts while simultaneously strengthening systemic transparency and accountability.³⁰ This contributes to increased access to an effective and efficient administration of the justice system and increases public trust in justice institutions.³¹

28 ECCMIS is currently operational in the following courts: Supreme Court; Court of Appeal/Constitutional Court; Anti-Corruption Division; Lands Division; Civil Division; Commercial Division; Mengo Chief Magistrate Court; Luwero High Court; International Crimes Division; Criminal Division; Buganda Road Chief Magistrate Court; Standards, Utilities and Wildlife Chief Magistrate Court.

29 Following the issuance of the Judiciary audio-visual guidelines in August 2016. Available at <<https://judiciary.go.ug/files/downloads/judicature-visual-audio-link-rules-si-no-26-of-2016a.pdf>> [accessed 8 May 2024].

30 All court judgements are published online for public access via ULII – a free legal service provided by the law reporting unit of the Judiciary available at <https://ulii.org/>.

31 With limited or no physical access to the Courts during the COVID-19 pandemic, Video conferencing services provided a platform for the accused to be produced in the Courts via video link with Prison facilities.

It is now possible for courts to receive evidence by audio video link from parties to the case (notably witnesses) who cannot appear in court due to infancy, old age, distance, and costs. Witnesses can appear in court online via the audio-visual facility with their faces in full view to facilitate identification and examination by legal counsel and the presiding judicial officer.³² As a result, for example, women and children who are victims of sexual and gender-based violence (SGBV) can appear in court by video link to save them from secondary victimization, which they suffer when they physically appear in court to testify in full view of their molesters.

At the height of the COVID-19 pandemic, video conferencing facilities played a critical role in ensuring the continuity of judicial processes with virtual court hearings for criminal and civil cases adopted by the Judiciary as a “new normal”. The pandemic underscored the need for institutions in the administration of justice to invest in critical e-justice infrastructure and platforms that facilitate the work of duty bearers and provide the ability for the public to access justice services without the limitation of physical barriers and travel restrictions.

INCARCERATION AND CORRECTION

The Prisoner Management Information System (PMIS) deployed in the Uganda Prisons Service provides digital monitoring of prisoners by prison officials and provides functionality to capture, process, analyze and disseminate data on all prisoner management operations. These operations include admission of prisoners, court attendance and scheduling, biometric authentication, discharge and exit from custody, sentence administration and management, classification of prisoners, prison station management, prisoners’ property management et cetera. PMIS is currently undergoing pilot phase implementation in two of the biggest prison facilities in Uganda.

The integration of PMIS and the ECCMIS in the judiciary is currently in the formative and conceptual stage. Data exchange between the PMIS and ECCMIS will significantly add value to the criminal justice chain by possibly tackling challenges relating to overstay on remand – a perennial problem for Uganda’s justice system that could partly be remedied through efficient and effective flow (and management) of information between courts and prisons.

Integration of the PMIS with systems in the Uganda Police could facilitate the sharing of criminal history and criminal profile data to enrich the crime intelligence/criminal investigation process and further reduce Uganda’s recidivism (re-offending) rates that are already the lowest in Africa³³ (through tracking of ex-prisoners and sharing this data with law enforcement agencies).

³² “During examination in chief, cross-examination and reexamination, a witness must be able to see the person asking the question and any other person making statements in regard to the evidence of the witness, and the court should be able to hear and observe the demeanour of the witness” – Section 13, Part 2 of the Judicature (Audio-visual) Rules, 2016, *supra* note 31.

³³ John Masaba, “Uganda has the lowest repeat offenders in the world – prisons boss,” *The New Vision* (16 December, 2020). Available at <<https://www.newvision.co.ug/category/news/uganda-has-the-lowest-repeat-offenders-in-the-84323>> [accessed 8 May 2024].

Beyond the core justice processes of investigation of cases, prosecution, adjudication, and incarceration (and corrections) examined in Section 3.1–Section 3.4, there are critical cross-cutting digital interventions in Uganda’s justice system that facilitate the efficient and effective administration of justice.

At the Directorate of Citizenship and Immigration Control (DCIC) under the Ministry of Internal Affairs, the e-immigration system provides digital-driven border management services that provide digital visibility of persons entering and exiting Uganda’s borders.³⁴ Law enforcement and judicial institutions are increasingly leveraging the e-immigration system to facilitate criminal investigations and prosecution of cases in courts of law involving cross-border crimes such as terrorism, drug, and human trafficking.

The National Security Information System (NSIS) operated by the National Identification and Registration Authority (NIRA) provides a biometric National Identification Register with the following core functions: identification, registration, processing and producing identity cards for eligible Ugandans, management of comprehensive National Identification Registrar, detection and prevention of illegal registration through citizen verification using the National Identification Number (NIN). All justice institutions – notably the police, ODPP, courts and prisons service daily leverage the National Identification Register to verify the citizenship of parties in cases being investigated, prosecuted, or adjudicated through data exchange arrangements with NIRA. This plays a critical role in the effective and efficient dispensation of justice through accurate demographic identification of persons via the NIN. In the foreseeable future, integration of NIRA’s Adoption Register with ECCMIS shall facilitate the seamless exchange of data relating to child adoption orders granted by the family division of the High Court.

The Ministry of Gender, Labor, and Social Development (MOGLSD) operates the Remand Home Management Information System, Orphans and Vulnerable Children Management Information System, Uganda Child Helpline platform, and the National Gender-based Violence Database. However, these are currently stand-alone platforms that function within the institutional confines of the MOGLSD. To provide enhanced management of data and information involving juveniles at remand homes, it is critical that MoGLSD enhances the capabilities of its digital platforms to create efficiency and effectiveness around juvenile case management, data collection and integration of these systems with the Electronic Court Case Management System (ECCMIS) in the judiciary.

In 2017, the Uganda Registration Services Bureau (URSB) embarked on the digitalization of its various registries as part of its digital transformation journey. URSB has developed online platforms making it possible for the Bureau’s clients to carry out company registration, business name reservation, filing company resolutions and filing annual returns electronically without having to physically travel to any of the URSB service centers. URSB electronic business registry is being positioned for use by various actors in Uganda’s justice system as a credible digital reference point of company data in the arbitration of commercial cases (by the Commercial Court

³⁴ Ministry of Internal Affairs, *Strategic Plan (2020–2025)*. Government of Uganda, 2020. Available at <<https://mia.go.ug/about-us/objectives>> [accessed 8 May 2024].

division of the High Court) and in the investigation and prosecution of business-related fraud by criminal investigators and prosecutors.

The Administration of Estates Information System at the Office of the Administrator General (Ministry of Justice and Constitutional Affairs) automates the creation, printing, and issuance of certificates of no objection; and processes related to payment of fees by clients, receipt issuance, and overall reporting. With land cases and disputes (especially involving estates of the deceased) among the most prevalent justice problems in Uganda, sharing of information between the Administrator General's office, the Ministry of Lands (verification of land ownership documents), and the courts is vital in the effective administration of estates of the deceased.

KEY EMERGING ISSUES AND CONCLUSION

Empowering communities with people-centred access to justice services and mechanisms to resolve their justice and legal challenges is critical to the overall growth and development of societies. This is further echoed in the United Nations Global Sustainable Development Goals (SDGs) particularly SDG 16.3 which calls for “equal access to justice for all” with a pledge to leave no one behind underlined in a vision of a “just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met”.³⁵

The role played by stakeholders in the administration of justice, access to justice, rule of law, and protection of human rights is identified as a key pillar of Uganda's national agenda of social-economic transformation articulated in Vision 2040 and the National Development Plan (NDP 3). Justice Institutions (delivering Justice, Law, and Order Services) are individually and collectively leading this noble cause through innovative people-centred access to justice services.

Core to Uganda's justice reform program is leveraging digital technologies to facilitate the administration of justice, enhance access to justice for all through the provision of information that helps people understand the law and their human rights, and the provision of one-stop digital platforms. The outbreak of the COVID-19 pandemic across the globe in late 2019 more than ever before underlined the need to automate government functions and provide digital services to citizens without/with limited physical interaction barriers associated with traditional service delivery approaches.

Faced with the reality of service point closures in the wake of rising COVID-19 cases and stringent public restrictions on travel, public institutions in Uganda turned to technology as a viable option to ensure a considerable form of business continuity.³⁶ Courts and prisons rolled out video conferencing facilities and platforms for online case hearings. The Uganda Registration Services Bureau (URSB) leveraged its several years of investment in digital platforms for the continued execution of its function through online service provision especially at the business registry. These e-services include filing of annual returns by business entities, business name search, company registration and tracking of application status. The National Identification and Registration Authority (NIRA) and the Directorate of Citizenship and Immigration

³⁵ United Nations (Department of Social Affairs): *Sustainable Development Goal 16*. Available at <<https://sdgs.un.org/goals/goal16>> [accessed 8 May 2024].

³⁶ The World Bank (2020). *Digital Technologies Could Help Uganda's Economy Recover Faster*, Available at <<https://www.worldbank.org/en/news/press-release/2020/07/08/digital-technologies-could-help-ugandas-economy-recover-faster>> [accessed 8 May 2024].

Control (DCIC) continued to offer online service options regarding national identity card and passport issuance as well as permit and visa processing respectively. Rather than shut down services completely, justice institutions in Uganda quickly adapted to the “new normal” by moving the bulk of their business online via digital tools and platforms.

The pandemic therefore served as a wake-up call for the Government and the justice sector to integrate technology in its service delivery model. While the overall “digital response” to the pandemic by JLOS institutions was generally limited (with a few exceptions), important lessons have been learned. These include the need to have a coherent and harmonized digital strategy across the “chain of justice” with a focus on shared services and systems integration to facilitate data exchange and collaboration. Secondly, there is a need to extend the benefits of digital access to justice services to citizens by creating “digital spaces” that enable public access to information and legal support.

What is clear and emerging from Uganda’s nascent digital transformation journey is the huge opportunity it presents in terms of value addition to service delivery in the administration of justice. It is also evident that justice institutions are challenged on multiple fronts – technically and administratively – in terms of fully rolling out e-justice platforms. Current prevailing challenges include limited ICT infrastructure, siloed and inward-facing approach to digital transformation, shortage of resources to implement large-scale digital transformation programs covering the whole country, challenges associated with mindset change in the civil service to adapt to digital innovation and technology-driven service delivery, internal “inertia” to progress on key digital transformation decisions (due to bureaucratic internal processes), and duplication of effort leading to wastage of resources.

A key component of solutions to the above challenges has been the development of a harmonized e-justice strategy for all institutions in the administration of justice in Uganda defining a common vision for digital-driven justice service delivery. Secondly, cost-effective models for digital transformation are constantly being explored through which in-house/local digital innovative solutions can be developed. Thirdly, rather than wait for all the required infrastructure to be in place, a phased approach to the implementation of digital platforms has been adopted to demonstrate quick wins and be leveraged as a basis for more funding required in large-scale rollouts. There is also increased focus on key foundational aspects of digital transformation through the development of governance frameworks, standards, and protocols that set the stage and are core building blocks of Uganda’s e-justice agenda.

Through a unified e-justice Strategy, there is unprecedented momentum to refine and reform business processes, develop and strengthen ICT infrastructure, enhance the capacity of frontline workers with digital skills, automate access to justice business processes, and create of a digital “justice network” through integration of information systems in both the civil and criminal justice domains.³⁷

Justice and legal challenges experienced by people have a net negative impact on their overall social and economic well-being by limiting personal productivity, contributing to loss of income and poor health (Taskforce on Justice, 2020). Collectively, the associated cost of unresolved justice challenges may ultimately slow growth and development with a strong possibility of breeding unrest and conflict in communities.

³⁷ Access to Justice Strategic Plan (2020–2025) supra note 19.

Digitalization of Uganda's justice system is one step toward confronting these challenges through enhanced productivity of judicial officers, prosecutors, lawyers, and investigating officers to effectively handle cases (through real-time availability of information to execute tasks and data-driven decision-making), enhanced access to justice for all especially the vulnerable and marginalized (through simplified and user-friendly digital justice service points), and enhanced accountability and transparency. This translates into increased public satisfaction, confidence, and trust in institutions to dispense and administer justice.

As a way forward, there is a need for concerted efforts to create a strong enabling environment for digital justice service delivery through strengthening governance structures, prioritization of e-justice initiatives for funding, digital skilling and capacity building for duty bearers, development of low-cost models for sustainable digitalization, investment in digital innovation; developing a strong legal and regulatory framework, and building partnerships with the private sector³⁸ and non-state actors (particularly those engaged in supporting victims of crime, witnesses, and vulnerable persons such as women, children, and the elderly).

The difference between those with and without access to ICT infrastructure is a reality in Uganda.³⁹ This “digital divide” is characterized by a significant number of people especially those in rural areas with little or no access to digital technologies that are required to access critical public services in the justice sector. A core focus of the JLOS e-justice strategy is to facilitate inclusive digital transformation that seeks to bridge the digital divide through innovation programs that are focused on the design of low-cost tech,⁴⁰ and the extension of ICT infrastructure – notably internet services to rural areas (last mile connectivity interventions⁴¹).

But more critically, there is a need for strong and bold leadership across government (and Justice, Law, and Order institutions in particular) at all levels to champion the digital transformation process and lead the change toward digitally driven justice service delivery.

COMPETING INTERESTS

The author has no competing interests to declare.

AUTHOR AFFILIATIONS

Edgar Kuhimbisa  orcid.org/0009-0008-8283-6536

Technical Advisor, E-Governance at the Ministry of Justice and Constitutional Affairs, Republic of Uganda

³⁸ The academic community; and regional and international partners – in government and private institutions for purposes of sharing research, knowledge, and best practices in e-governance.

³⁹ Closing the growing digital skills gap in Uganda (UNCDF). Available at <<https://www.uncdf.org/article/7859/closing-the-growing-digital-skills-gap-in-uganda>> [accessed 8 May 2024].

⁴⁰ Justice Innovators Community: Digitalizing Access to Justice, Available at <<https://justiceinnovatorscommunity.com/>> [accessed 8 May 2024].

⁴¹ Uganda National Backbone Infrastructure (NBI) Project. Available at <https://www.nita.go.ug/projects-service-<portfolio/national-backbone-infrastructure-project-nbiegi>> [accessed 8 May 2024].

TO CITE THIS ARTICLE:

Edgar Kuhimbisa,
'Experience and Impact
of Digital Transformation
in the Administration
of Justice in Uganda: A
Critical Analysis' (2024)
15(1) *International Journal
for Court Administration*
5. DOI: [https://doi.
org/10.36745/ijca.580](https://doi.org/10.36745/ijca.580)

Published: 10 June 2024

COPYRIGHT:

© 2024 The Author(s).
This is an open-access
article distributed under
the terms of the Creative
Commons Attribution
4.0 International License
(CC-BY 4.0), which
permits unrestricted
use, distribution, and
reproduction in any
medium, provided the
original author and source
are credited. See [http://
creativecommons.org/
licenses/by/4.0/](http://creativecommons.org/licenses/by/4.0/).

*International Journal for
Court Administration* is
a peer-reviewed open
access journal published by
International Association
for Court Administration.





Transforming **Justice** through Advanced **Case Management**

Next generation, cloud-based, modular platform
created to serve courts of any type and size



Request your demo today!
Scan or visit casedoc.com



Minimise court backlogs and delays

Optimize case flow processes to reduce administrative inefficiencies and implement robust, consistent case management practices for improved operational efficiency.



Improved productivity and efficiency

Transform and optimize judicial processes into automated, configurable, and rules-based workflows and improve court work at all case stages.



End-to-end process automation

Eliminate paper-based work, assign tasks automatically and get notified on case progress at any stage of the process.



Secure role-based access

Have your court at hand with on-time case updates and get notified on cases progress anywhere and anytime.