



**CALL FOR LEAD CONSULTANT (1)
AND SUPPORT CONSULTANT (1)
TERMS OF REFERENCE TO CONDUCT AN EVALUATION OF THE
HIGH COURT CRIMINAL SESSIONS IN UGANDA**

February 2021

Background

The High Court of Uganda exercises unlimited original jurisdiction over civil and criminal matters as well as appellate jurisdiction in some matters. The performance of the High Court has generally improved over the last couple of years through recruitment of more judges and introduction of special sessions. The court registered an improvement in disposed cases from 19,567 in 2015 to 173,200 in 2019 and a reduction in the proportion of backlogged cases from 21% in 2017 to 18% in 2018/19.

However, case backlog remains an issue in the judiciary with the highest number of backlogged cases being criminal (32.6%) in nature. Trial in the High Court for criminal cases in Uganda is supposed to commence on committal by the Magistrate Court as the first court of instance. However, the law does not stipulate a time period within which a trial should commence upon committal. Research shows that the average period on remand is 3 years for minor offenders and 5 years for capital offenders with devastating consequences to individuals, families and the prison system. The significant delays at pre-trial and trial stages have led to a 32% rise in the prison population from 45,868 (25,513 pre-trial) in 2016 to 60,631 (27,088 pre-trial) in 2019.

Plea bargaining has been introduced as the mechanism with which the judiciary could quickly dispose of criminal cases thereby addressing the backlog and prison congestion. It is viewed as an antidote to the challenges facing the criminal justice system in Uganda and a means of reducing trial costs and improving the participation of victims in the sentencing process. However, the mode of operation of the program is viewed by many actors as unconstitutional. The program has been criticized as a means by which courts are side stepping the legal system in which the public has no confidence. Thus, plea bargaining could be interpreted as less about justice and more about adopting an easier and cheaper option for the judiciary than attempting to fix and or invest in the dysfunctional system of adjudication.

To advance effective justice solutions and ensure their sustainability, the issue regarding the operation of High court sessions and plea bargaining needs proper attention. Stakeholders and practitioners would benefit from a consolidation of the available evidence, recommendations and a production of a detailed report. PRI seeks the services of one lead consultant and a support consultant to evaluate the performance of the High Court criminal sessions and provide recommendations to support further judicial and legal reforms.

Justification

The government of Uganda is committed to continue reforms in the criminal justice sector. This requires a clear appreciation on the performance of current programs whose lessons and achievements would be used in future justice sector reforms. It is important to evaluate the extent to which the special high court sessions have achieved the intended outcomes; document bottlenecks and identify a way forward based on evidence. Hence, the findings of the evaluation will feed into the continuation of judicial reforms in terms of adjustments to the original design to make it evidence based and the modus operandi of future programs.

Purpose

The purpose of the evaluation is to review the performance of High court criminal sessions including the plea bargain program; progress made since their inception in reaching intended outcomes and make sound recommendations for improvement that will be taken up by the Government.

Objectives

The evaluation has the following specific objectives:

- To assess the design, coordination mechanisms(including vertical coordination from national to decentralised level coordination; horizontal coordination with multiple actors; and coordination with state-non state actors), management, accountability and administrative structures (role and responsibility of the relevant committees and agencies).
- To assess the efficiency and effectiveness of the high court sessions and plea bargain sessions with emphasis on sustainability of outcomes and value for money.
- To review the linkages and level of harmonization (of tools and procedures) between the plea bargain programme and the National Case Management system. This will require the review team to conduct detailed analysis of the established plea bargain processes using actual case referral pathways.
- To assess the capacity of the multi-stakeholder teams- including both state and non-state actors, and conduct workload analysis to examine the roles, responsibilities and competencies associated with specific types of workforce who are involved or could be involved in administering High Court sessions.
- To review the existing accountability framework and risk analysis of the High Court sessions including plea bargain (especially at decentralized level).
- To come up with recommendations to help improve the program including reorienting activities and identifying what further action and investment is required to strengthen the program.

Contract Period

The parties will agree on a timeline for the implementation of the contract. Travel is required and will be planned in agreement due to COVID-19 restrictions.

Deliverables

- Draft reporting including key findings.
- Final report with recommendations on the required reforms.

Required Qualifications

(1) Lead Consultant

- Advanced university degree (Masters or PHD) in law, M&E, communication or social sciences
- At least 10 years' international experience in criminal justice, with experience in analysing or working with plea bargaining programs and approaches
- Understanding laws and policies relating to criminal justice procedures and evaluation of judicial programs and operations of courts.
- Experience in the evaluation/ implementation of criminal justice programming will be added advantage.
- Proven analytical skills including quantitative and qualitative data
- Effective fluency in English (oral and written)
- Excellent communication and facilitation skills
- Strong interpersonal and networking skills
- Ability to interact with senior officials in government and multilateral agencies.

(2) Support consultant

- University degree in law, business analysis or social sciences
- At least 5 years of work experience in the human rights field, preferably with a criminal justice focus
- Experience in legislation analysis, trends, business and workforce analysis
- Good knowledge of the criminal justice system in Uganda and internationally
- Experience working with government actors and persons in conflict with the law will be an added advantage.
- Fluency in English(oral and written).

Other information:

- The working language within this assignment with the contracting organization and its partners is English.
- Travel costs and expenses associated with the assignment will be reimbursed to the consultant as agreed in writing in advance.

How to apply

Please send an up-to-date CV, including two references; a supporting statement and a relevant example of your written work to: africaoffice@penalreform.org no later than 25th February 2021. Unfortunately, bids received after this deadline will not be considered.

Interviews will be held week commencing 1 March 2021.